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THE
Jerome Davis Case

FINAL REPORT OF AN INVESTIGATION

✓ *Conducted by the*
AMERICAN FEDERATION OF TEACHERS

into the
**PROPOSED DISMISSAL OF PROFESSOR JEROME DAVIS
FROM THE STARK CHAIR OF PRACTICAL PHILANTHROPY
AT THE YALE DIVINITY SCHOOL**



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**A Summary of the Committee's Conclusions
Will be Found on Pages 59 and 60.**

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I. PROCEDURE OF THE INVESTIGATING COMMITTEE

Early in September 1936 Professor Jerome Davis informed the executive council of the American Federation of Teachers that, after more than twelve years of service, he was to be dropped from the Yale Divinity School on June 30, 1937. Professor Davis contended that the termination of his connection with Yale involved abridgment of the principles of academic freedom and tenure. He had been at the Divinity School since September 1924, having been appointed to the Stark Chair of Practical Philanthropy after three years of work as Assistant Professor of Sociology at Dartmouth College. On his arrival at Yale, he had been made an Assistant Professor. In 1927 he was advanced to the Associate Professorship on a three year contract, which had been twice renewed, once at a substantial increase in salary. His published works included several volumes which have been widely used in sociology classes in American colleges. When he was notified of dismissal, he was on the executive committee of the American Sociological Society. He was also a member of the editorial board of the *American Sociological Review* and the general editor of the *Social Relations Series* published by D. C. Heath and Company. The permanent faculty of the Divinity School had on January 23, 1936 recommended his reappointment for a three year term. On February 8, this recommendation had been turned down by the Yale Corporation which had voted instead to terminate his stay at Yale after a one year reappointment. In response to this action, the faculty had on February 23 and March 19, 1936 voted to ask the Corporation to reconsider its action and remove the terminus date on Prof. Davis' contract; these requests had been tabled by the Corporation.

This was the status of the case when Professor Davis brought it to the attention of the American Federation of Teachers in September 1936. Shortly thereafter Professor Maynard C. Krueger, College Vice-President of the A. F. of T., appointed a committee headed by Professor Colston E. Warne (Economics) of Amherst to conduct an investigation. The committee included Mr. Arnold Shukotoff (English) of the College of the City of New York, Secretary; Prof. Robert Morss Lovett (English) of the University of Chicago; Dr. J. Raymond Walsh (Economics) of Harvard University; and Prof. S. Ralph Harlow, Chairman of the Department of Religion and Biblical Literature at Smith College.

The Committee began its investigation shortly after September 15, 1936. It had proceeded with its work for about a month when the case was suddenly brought to public notice by the President of Yale University. On October 20 Dr. James Rowland Angell issued a statement to the press announcing the termination of Prof. Davis' contract and explaining the factors underlying the Yale Corporation's decision. President Angell denied that the case involved any abridgment of academic freedom or civil liberty. He stressed the "budgetary situation" as the fundamental factor in the case and implied that the quality of Prof. Davis' scholarship and teaching figured in the decision. Since the College Committee on Academic Freedom had, in the month of its investigatory activities, uncovered materials that contested President Angell's public assertions, the Committee felt it would be a betrayal of function not to release as much of its evidence as seemed reliable. Accordingly, on October 25 the Committee issued a "Preliminary Memorandum of Facts."

The Committee, however, continued with its investigation and did not arrive at its final conclusions until December 28, 1936, at which time it issued a "Summary Statement of Major Conclusions." Since then it has been at work on the detailed elaboration of its findings which constitutes the present report. During the months of its activity, the Committee took the following steps:

1. Members of the Committee interviewed all the members of the permanent faculty of the Divinity School except one.
2. The Committee examined the correspondence between the Yale administration and Prof. Davis during the more than twelve years of Prof. Davis' stay at the Divinity School. It examined personal records which Prof. Davis had made of interviews between himself and members of the Yale administration. The contents of these records were checked with the contents of the letters.
3. It interviewed students of the Yale Divinity School.
4. It reviewed the extensive evidence collected by a Divinity School student committee, which in the spring of 1936 investigated the case and asked for Prof. Davis' retention. The student committee's evidence included interviews with members of the Board of Permanent Officers of the Divinity School, members of the Yale administration, and fellows of the Yale Corporation.
5. The Committee investigated the regulations governing appointment, promotion and tenure at Yale, and analyzed current practices.
6. It made an analysis of the scholarly work of every member of the Yale Divinity School faculty.
7. It corresponded with ministers who had been students at the Yale Divinity School regarding Prof. Davis' teaching.
8. It wrote to leading scholars of sociology throughout the country and secured their opinions of Prof. Davis' scholarship.
9. It examined reviews of Prof. Davis' books in scholarly and popular publications.
10. It made unsuccessful efforts to interview members of the Yale administration. On Saturday, November 21, 1936 the Secretary of the Committee telephoned Dr. Luther A. Weigle, Dean of the Divinity School, and

requested the courtesy of an interview. The Secretary suggested that the interview might be conducted in the presence of representatives of religious and educational organizations. The Dean would not hear of such a procedure, but agreed to see the Committee on Friday, November 27. However, on the day following the telephone conversation, the Dean wrote to the Committee announcing that he had decided not to keep the appointment. President Angell, who was also asked for an interview by phone on November 21 and by letter on November 22, wrote to the Committee on December 1, refusing to see the Committee. One member of the Committee, Prof. S. Ralph Harlow, did have a lengthy interview with Dean Weigle early in November. The Committee also understood from members of the Divinity faculty that the administration's attitude was well represented by Professor Robert L. Calhoun, who was interviewed by three members of the Committee on November 27, 1936.

In answer to Dean Weigle's letter announcing cancellation of the appointment with the Committee, the Secretary of the Committee wrote on November 25, 1936:

"When I spoke to you over the phone . . . I indicated that our Committee was concerned with getting all the available facts bearing on the relationship between Yale and Prof. Davis, and with hearing the Yale administration's side of the case, and that I thought the Yale authorities ought to be willing to supply any body interested in the case with whatever information they had. It was on this basis that the interview was agreed upon . . .

"We are pleased to learn, of course, that Yale has agreed to an investigation by the American Association of University Professors. At a time when the A.A.U.P. felt that an investigation by its Committee was perhaps made unnecessary by our investigation, our Committee wrote to the A.A.U.P. urging it to proceed with an investigation of its own . . .

"Although a member of our Committee, Prof. S. Ralph Harlow, has had a lengthy interview with you, our Committee still stands ready to confer with you, and to take note of any facts which have not come to our attention. We still stand ready to conduct such an interview before representatives of religious and educational organizations."

The Yale administration did not avail itself of this offer.

Throughout the report the Committee has attempted clearly to indicate what testimony and whose testimony helped it arrive at its conclusions. In a number of instances, it is prevented from doing so by promises that the testimony in question would be kept confidential.

II. PROMOTION PROCEDURE AT YALE UNIVERSITY

It will be of undoubted value for the understanding of the case under consideration to know from the outset the promotion procedure which prevails at Yale. At the present time nominations to the professorship and associate professorship may be made either by the President of the University or by a Board of Permanent Officers. These nominations are presented for final action to the Yale Corporation, which, under the charter of the University, is the ultimate governing body.

At the Divinity School, as at other professional schools, the Board of Permanent Officers is composed of all faculty members having full professorial rank.¹ Until 1930 this permanent faculty board² had the sole power to nominate full and associate professors, and the President of the University transmitted nominations to the Corporation as a matter of course. In 1930, however, the Corporation granted the President of the University a concurrent power of nomination. The statute adopted at that time reads:

"Nominations of Professors and Associate Professors may be made by the President, by a school through its committee on appointments, or by the Department concerned. Such nominations, if approved by the President, are presented to the Corporation by him. No Professor or Associate Professor shall be assigned to a School without the approval of the Dean and of the Board of Permanent Officers of that school."³

Although in theory the President possesses merely a concurrent power of nomination, in practice his power appears to exceed that of the faculty. The President is a voting member of the Yale Corporation, an ex officio member of all of its committees, and chairman of its most important committee, the Prudential Committee. The President is also an ex officio member of the permanent faculties of each of the professional schools. It has been a common procedure for the Deans to consult the President on proposed appointments and promotions, and to communicate the President's opinions to the permanent faculties in advance of their taking action. Where the President indicates his willingness to concur in a nomination, there is no problem. But where the President indicates that he will not concur, the faculty is faced with a serious problem. If it votes the recommendation, despite the President's indicated opposition, it creates a situation in which the Corporation will be compelled either to slight its recommendation or the President's. Apart from

1. No member of the Yale faculty has "legal" tenure until he attains the rank of full professor. Then he acquires "life-time" tenure.

2. Throughout the report, the term "permanent faculty" will be used to designate the Board of Permanent Officers. Unless a specific notation is made, the reader will also regard the word "faculty" as meaning the permanent faculty.

3. In 1930 when the Department of English refused to recommend or approve the appointment of Prof. Robert French as desired by the administration, the administration created a department *ad hoc* and appointed Prof. French its first member.

the friction this is likely to engender between faculty and President, the likelihood that the Corporation will overrule the President's wish is not great. The probability, therefore, is that the permanent faculty, knowing the President's attitude in advance, will not recommend a man in whose appointment or promotion the President will not concur. In practise, thus, what is termed the President's concurrent power really becomes a *balance of power*.¹

1. In the *Yale Alumni Weekly* of November 22, 1936, Professor Yandell Henderson of the University wrote: "It is not generally realized that the Yale tradition of government of the Faculty by the Faculty is virtually extinct, extinguished by many factors, one of which is the mere growth and multiplication of the parts of the University as compared with the college forty or fifty years ago. The decisions once made by the Faculty are now generally made by the administrative officers, and pass direct to the Corporation for confirmation without consideration by any body of men drawn from the Faculty. In matters of education and research this frequently results in the waste of large sums in unsound undertakings and unwise appointments. In matters of personnel it involves frequent injustice."

III. THE STAND OF THE YALE ADMINISTRATION

On October 20, 1936 Dr. James Rowland Angell, President of Yale University, issued the following statement to the press. This statement was the first publicly to advertise the termination of Professor Jerome Davis' stay at the Yale Divinity School:

"Jerome Davis became a member of the faculty of the Yale University Divinity School in 1924 with the rank of assistant professor. He was made associate professor in 1927 for three years. This appointment was renewed in 1930 for three years, and again in 1933 for a term of three years. He was given sabbatical furlough for the second semester of the academic year 1933-34 in order that he might have opportunity to prove by a work of published scholarship right to promotion to a full professorship.

"He has not qualified for election to a full professorship in the minds of the majority of the professors on the faculty of the Divinity School or of the general officers of the University who must by University statute concur in recommendations for permanent appointment. At a meeting in January last the professors of the Divinity School by a large majority voted not to recommend him for a full professorship, but to recommend his reappointment for another term as associate professor.

"Mr. Davis is included in a group of members of the faculty in various departments of the University who in view of the budgetary situation in the University were reappointed for only one year, and were informed in the spring of 1936 that their appointments would not be continued after June 30, 1937.

"In tendering appointment as assistant professor to Mr. Davis, Dean Brown informed him that: 'It would be in our mind to recommend you for a full professorship just as soon as you indicated by your teaching ability, your scholarship in your own field, as manifested in what you had written and otherwise, and by your efficiency as a member of this faculty, your fitness for that position.' Dean Brown further stated: 'The promotion would have to be recommended by the full professors in the Divinity faculty, and we would wish also the approval of the faculty of Social Sciences, and it would have to be acted upon by the Corporation upon the further recommendation of the Provost and the President.'

"The present action of the Board of Permanent Officers of the Divinity School was taken in the light of a careful canvass of these considerations. The action of the Corporation was taken as part of a general body of actions recommended by a faculty committee which has made a survey of the educational set-up of the University in the light of the financial problems confronting the University.

"It would be a disservice to Mr. Davis to refer to the present action as a dismissal. He is not being dismissed from his position in this University. He is one of a group of men who were informed in the spring of 1936, that they would not be reappointed after the expiration of their appointment on June 30, 1937.

"No abridgment of academic freedom or liberty of speech is involved in this case. Mr. Davis has always been accorded full freedom of speech and action both in the classroom and outside. Neither the action of the Board of Permanent Officers of the Divinity School nor that of the Corporation is based upon dissent from his views."

The action of the Yale Corporation terminating Professor Davis' contract as of June 30, 1937 was voted on February 8, 1936. A minute of the Yale Corporation's proceedings on this date reads as follows:

"The Provost reported that the Faculty of the Divinity School

declined to recommend Professor Jerome Davis for promotion to a professorship and the Corporation thereupon instructed the Provost to inform Dean Weigle that Mr. Davis' appointment would not be continued beyond June 30, 1937 and to request Dean Weigle to notify Mr. Davis accordingly. Having considered the readjustment planned by the faculty committee under the chairmanship of Dean Graves and upon the recommendation of that committee, it is the opinion of the Corporation that the work in Social Service in the Divinity School can be carried forward in cooperation with the Department of the Social Sciences."

On February 11, 1936 Dr. Charles Seymour, Provost, wrote to Dean Weigle announcing the Corporation's action. The Provost explained the Corporation's action on two grounds:

"... "The Prudential Committee and the Corporation had especially in mind the readjustments likely to result from the studies of the faculty committee of which Dean Graves is chairman. As you know, there are a number of spots in the University where it is obvious that the faculties can operate efficiently and at less expense if we provide for closer coordination between different portions of the University ... It is true of the relations between the Divinity School and departments of the Graduate School, especially the departments of Social Sciences and Philosophy ... "

"The Prudential Committee also had in mind the administrative policy of not continuing long associate professorship appointments where it was obvious that there could be no ultimate promotion to a permanent professorship ... "

On April 23, 1936, in an interview with Dean Weigle, Professor Davis was permitted to copy sections of a letter from President Angell explaining the action of the Corporation. The President stressed three factors and denied that Prof. Davis' opinions or activities had played any role in prompting Corporation action. He referred first to "the pressing financial situation" which made cooperation between Social Science departments of University and Divinity School desirable. "In the next place," he stated,

"as the Board of Permanent Officers of the Divinity School have definitely declined to recommend the promotion of Mr. Davis to a full professorship, to continue him in his present position would create an uncomfortable situation which would be unhappy to all concerned."

The third factor was described as follows:

"I may remark that in my judgment the decision of the Board of the Divinity School is sound, and I am constrained to believe that Prof. Davis has made the fact abundantly clear that he does not possess those qualities of scholarship, judgment, and poise which we justly expect in members of the professorial staff. I doubt not that he is a stimulating teacher to many students, and I hold in high respect his enthusiastic humanitarian interests ... "

From President Angell's press statement, the minutes of the Yale Corporation, an official letter by the Provost, and an official letter by the President, the Yale administration's explanation of Prof. Davis' being dropped may be summarized as follows:

1. The need for retrenchment.
2. The faculty's lack of confidence in Prof. Davis' scholarship and teaching.
3. The faculty's failure to recommend Prof. Davis' promotion.

IV. THE BUDGETARY SITUATION

A. THE ADMINISTRATION'S ALLEGATION

The Yale administration asserts that a "pressing financial situation" was basically responsible for the Corporation's action on Prof. Davis' contract. It claims that operating expenses were to be decreased by a process of consolidating posts at several points in the University set-up. On the basis of the Graves Report,¹ it planned to have work in certain professional schools carried on in conjunction with similar work at the Graduate School. Thus, the Corporation, having terminated Prof. Davis' contract, suggested that "work in Social Service in the Divinity School can be carried forward in cooperation with the Department of the Social Sciences."²

The Committee found that the budgetary situation received primary stress not only in official documents but also in letters written by President Angell to people outside the University. On November 11, 1936 the President, in answering a communication addressed to him by the Reverend Mr. Carl Bihldorff of Duxbury, Massachusetts, wrote in part:

... "It is, however, a fact that the financial difficulties of the University were the controlling circumstances in the action taken."

B. THE PERTINENT FACTS

Investigation revealed that throughout the more than twelve years of his stay at Yale, Prof. Davis' work has been done on an *endowed* Chair, that the Chair is to be continued, and that at least one effort has been made to secure a successor. On May 8, 1936 Dean Weigle, replying to a letter of the Divinity School Student Council, assured them that the Stark Chair of Practical Philanthropy would not remain vacant. And during the summer of 1936, before President Angell had brought the case to public notice, Dean Weigle sounded out a prominent sociologist about accepting appointment.³ The Committee also learned that at the same time that Prof. Davis' contract was terminated in order to decrease the budget, two Divinity School associate professors, Professors Robert Calhoun and Roland Bainton, were promoted to the full professorship with salary increments. In the course of its investigation, the Committee discovered that the income on the Stark endowment had decreased somewhat; it was also found, however, that Prof. Davis had indicated willingness to continue in the Chair at the reduced income.

Administration supporters were quick to admit that finances did not cut specifically at Prof. Davis' Chair.⁴ They maintained instead that

1. The Graves Committee was appointed in 1935 to effect economies in the budget dealing with educational expenses.

2. See page 11.

3. This fact was confirmed in a letter to the Secretary of the Committee by Prof. Roland Bainton.

4. The best evidence presented to the Committee indicated that up to June 12, 1936, more than four months after the Corporation's action on Prof. Davis' contract, the Graves Committee had not discussed or voted recommendations specifically with regard to Prof. Davis' Chair. The member of the Graves Committee, who volunteered this information to Prof. Davis on April 22 and again on June 12, also stated that the Graves Committee was frequently "made the goat" for actions taken on other grounds.

Prof. Davis had fallen by the wayside in a general drive to pare the budget. They suggested that University expenditures would be cut somewhat if a man appointed to the Stark Chair taught at the Graduate School as well as at the Divinity School. When the Committee questioned them regarding the extent of the saving, they stated that the saving would be nominal; more important yet, that the possibility of getting the Divinity School and the Social Science Department to consent to such consolidation was slight.¹

Two factors militated against consolidation. One was a difference in temper. The Social Science Department was dominated by a conservatism which looked askance at the liberalism of the Divinity School. The other consideration was a difference in approach to sociology. According to a memorandum prepared by the Reverend Mr. Charles S. MacFarland '97, who was active in an Alumni Advisory Committee² which helped found the Chair of Practical Philanthropy, the intention was to keep the Chair "independent of the University Department of Social Science, whose approach was not distinctively a Christian one." On its side, the Social Science Department has been willing to maintain its distance from a Chair, under whose aegis sociology and Christian Ethics are fused to produce a sociology which it regards as not being distinctively scientific. Even before Prof. Davis came to the Divinity School, the Chair existed outside the control of the Social Science Department. Professor F. E. Lumley, who preceded Prof. Davis in the Chair, was accorded no official recognition by the Social Science Department, even though he had received his Ph.D. from the Department. When Prof. Davis came to the Chair in October 1924, the separation was continued by mutual agreement between Prof. Keller, then head of the Social Science Department, and the Dean of the Divinity School. The separation has continued up to the present, and there is opposition in the Graduate School Social Science Department, but especially in the Divinity School faculty and student body, against joint supervision of the Chair.

C. THE COMMITTEE'S CONCLUSION

The foregoing suggests that the budgetary explanation is tenuous. This conclusion is emphasized by examination of the Yale Treasurer's Report for 1935-36.³ The Report shows that the budgetary crisis is a thing of the past, and that in 1935-36 Yale not only balanced its budget, but was able to credit \$17,631.27 to its Contingency Reserve Funds. The necessity of budgetary retrenchment as an explanation of Prof. Davis' being removed from an endowed chair is thus left without foundation.

1. This is not to say that instructors from the Social Science Department may not temporarily teach courses at the Divinity School. In the past Social Science instructors have given courses at the Divinity School and probably will do so in the future.

2. The Alumni Committee functioned between 1908 and 1912. The Reverend Mr. MacFarland states at another point in his Memorandum: "I urge that he (Dean Brown) establish the chair as quickly as possible, make it an outstanding feature, and keep it independent of any control or appreciable influence of the men in the University Department . . ."

3. The New York Times, December 4, 1936.

V. SCHOLARSHIP AND TEACHING

A. THE ADMINISTRATION'S ALLEGATION

The administration contends that the Yale Corporation terminated Prof. Davis' contract because, in the opinion of the Board of Permanent Officers of the Divinity School, Prof. Davis showed himself lacking in "those qualities of scholarship, judgment, and poise which we justly expect in members of the professorial staff."¹ In 1934, it is alleged, Prof. Davis had been given a sabbatical "to prove by a work of published scholarship right to promotion to a full professorship."² In January 1936, following the publication of *The Jail Population of Connecticut* and *Capitalism and Its Culture*, the Board of Permanent Officers had declined to recommend promotion. In the administration's view, the Board's refusal clearly indicated the dissatisfaction of the Permanent Officers with the quality of Prof. Davis' scholarship and teaching.

To determine the attitude of the permanent faculty toward Prof. Davis' work, it is necessary to examine permanent faculty proceedings in 1933 and 1936, to analyze a document issued by Dean Weigle explaining the actions of the permanent faculty, and to canvass the opinions of the members themselves.

B. FACTORS INFLUENCING FACULTY RECOMMENDATIONS

1. *Early Faculty Actions.* Professor Davis was appointed to the Gilbert L. Stark Chair of Practical Philanthropy at the Divinity School in 1924 with the rank of assistant professor. In 1927 he was made an associate professor, although the unanimous recommendation of the Divinity faculty was held up for some months while the administration investigated Prof. Davis' work in the labor movement.³ In 1930, after the Yale Treasurer had criticized research activities Prof. Davis had undertaken,⁴ and after Dean Weigle had informed Professor Davis that the Treasurer was opposed to his promotion, the Divinity faculty unanimously recommended reappointment as associate professor with a \$500

1. See page 11. In addition to the express charges levelled against Prof. Davis by the administration, charges in the form of rumors were widely circulated on the Yale campus and on the campuses of other New England colleges. Prof. Davis was charged 1) with plagiarizing materials for his book *Capitalism and Its Culture* from student papers written in one of his courses; 2) with purloining letters published in *The New Republic* of November 18, 1936 as part of the report of an investigation conducted into the Davis case by Professors Edward A. Ross, Paul H. Douglas, Colston Warne and Charles A. Beard; and 3) with sending a letter favoring the prohibition of gambling to members of the Connecticut legislature without securing the permission of the person who signed the letter as Chairman of a church commission.

At the risk of giving significance to matters that merited only disdain, the Committee attempted to discover the source of these rumors. In the instance of the first mentioned rumor, the Committee found the source to be a former student at the Divinity School, Mr. Jesse Lyons. Investigation revealed that Mr. Lyons had been

(continued on next page)

2. See page 10.

3. See page 45.

4. See page 47.

increase in salary. According to Prof. Davis, the Dean informed him at the time that all the members of the permanent faculty save one were willing to go on record as favoring his permanent retention; one member did not wish to commit himself regarding action to be taken three years later.

2. *The Faculty's Action in 1933.* In a memorandum dealing with the meeting of the permanent faculty in 1933, Professor Douglas C. Macintosh, head of Prof. Davis' department, has written:

"When the promotion of Professor Jerome Davis was being considered in 1933, Dean Weigle stated that the Yale Corporation was opposed to his promotion to the full professorship, that it was also reported that no one in Yale was going to be promoted to the full professorship that year and that if the Divinity School faculty voted for his promotion, the Provost would take the floor of the Corporation against him. This vitally affected the action which was taken at that time."

Faculty action on Prof. Davis' promotion seems also to have been affected by another consideration. Before the faculty voted, Dean Weigle read a letter from an unnamed correspondent who charged that Prof. Davis had contributed a manuscript unworthy of publication to a book being edited by Mr. J. B. S. Hardman. The Dean did not notify Prof. Davis that he had received such a letter and did not ask his comment. Neither did he invite Prof. Davis to the meeting so that he could reply to the charge. The faculty heard the letter and thereupon merely voted to reappoint Prof. Davis as associate professor.

in charge of the student waiters in the dining room of the Divinity School one or two years earlier, and had threatened to discharge one of the Negro waiters. After Prof. Davis had interested himself in the case, the man had succeeded in retaining his job.

At the suggestion of the Chairman of the Committee, Prof. Davis called Mr. Lyons on the phone and inquired about the rumor. Mr. Lyons stated that he had been a member of a seminar on capitalism four years earlier and that Prof. Davis had had the students write papers on the subject. Asked whether anything in his paper had been used in the book, Mr. Lyons admitted that nothing had, but asserted that a paper written by another student, Mr. Douglas Rae, might have been used. After a long search, Prof. Davis located Mr. Rae's paper and submitted it to a colleague, Prof. Richard Niebuhr, for comparison with his book. Prof. Niebuhr, having made a careful examination of the two, wrote a statement in which he testified that nothing appearing in the book had been taken from the paper. When Prof. Davis reported this back to Mr. Lyons, the latter stated that he was not satisfied with Prof. Niebuhr's testimonial and wanted the paper read by Prof. Robert L. Calhoun of the Divinity School. Prof. Davis then took Mr. Rae's paper together with Prof. Niebuhr's statement to Prof. Calhoun. The latter insisted on making his own comparison of the book and the student paper. After he had done so, Prof. Calhoun wrote Prof. Davis that, in so far as Mr. Rae's paper was concerned, the charge of plagiarism had no basis. At the request of a student, Prof. Calhoun also wrote a letter to Prof. Brightman of Boston indicating the result of his examination. However, Prof. Calhoun suggested that Prof. Davis submit for his scrutiny all the other student papers written in the seminar on capitalism. On the advice of his department head, Prof. Davis refused this suggestion.

No sooner had this rumor been quieted than others went the rounds. The Committee was convinced, after investigation, of the malicious falsity of each and all. In addition to the rumors mentioned above, a rumor was circulated charging Prof. Davis with sharp practices in buying an automobile. The rumor had it that Prof. Davis bought a second hand car at very low cost from a purchaser unable to meet installment payments!

After the faculty meeting an exchange of letters between Prof. Davis and Mr. J. B. S. Hardman revealed that the charge made by the unnamed correspondent was false.¹

3. *The Faculty's Action in 1936.* In the fall of 1935 Dean Weigle told Professor Macintosh that Prof. Davis had earned promotion but that he was doubtful of the wisdom of recommending it since there was opposition in the Corporation.² Dr. Macintosh, head of Prof. Davis' department, commented that it would be immoral not to recommend Prof. Davis for a promotion he had earned. Dean Weigle replied that the situation was not quite as simple as Prof. Macintosh's statement implied.

When the Appointments Committee of the permanent faculty met in December the Dean suggested that the promotion of two men, Professors Bainton and Calhoun, be recommended but that the promotion of Prof. Davis be withheld. Prof. Macintosh objected. Dean Weigle suggested that although Prof. Davis had earned promotion, it would be unwise to recommend it in the face of Yale Corporation opposition. He argued that the Corporation would vote down the promotion of all three men if Prof. Davis was recommended with the other two. It was therefore agreed that Professors Calhoun and Bainton would be recommended at once and that Prof. Davis' promotion would be considered later.

Early in January 1936 Prof. Davis was criticized by Dean Weigle on two counts, neither of which involved Prof. Davis' scholarship or teaching. Dean Weigle commented adversely on Prof. Davis' signing an open letter to the President of the United States together with 46 other religious leaders. He also criticized Prof. Davis for having founded the Religion and Labor Foundation³ and for having initiated some of its activities. Prof. Davis replied to Dean Weigle's criticisms in a letter dated January 14, 1936. The letter, which contains some pertinent information regarding Dean Weigle's attitude toward Prof. Davis' promotion, follows in part:

"I was glad to know, as you told me, that ten days ago or so you told Dr. Macintosh that I deserved promotion to the full professorship. I understand that since consulting Dean Furniss⁴ and members of the Corporation you have changed your mind.

"I want to be sure you understand my position and therefore make the following comments. You criticized me for taking part in the signing of a letter to the President of the United States with seven of the Yale Divinity School Faculty. You stated that in this letter I had gone further than in my book on capitalism . . .

"You further criticized my starting the Religion and Labor Foundation and some of its activities. May I remind you that you have been on the National Committee since its start and it was only yesterday in our interview that you told me you would now resign . . .

"May I remind you that in 1933 you stated that all that was wanted for promotion to a full professorship was further research or a signifi-

1. In a letter sent to Prof. Davis on April 5, 1933, Mr. Hardman stated that the charge was "not only mean but outrageously untrue."

2. Testimony of Prof. Macintosh.

3. The Religion and Labor Foundation was established in 1932 as an "Inter-faith quest in the interest of Social and Economic Justice." It aims to do this by stimulating ministers and teachers to join with labor "in its advance toward peace, security and democracy." Except for a short period, Prof. Davis has been Chairman of the Foundation since its establishment.

4. Dean Furniss is Chairman of the Social Science Department of the University.

cant book. I published my study on the *Jail Population of Connecticut* which has been quoted all over the United States. I also published my book on *Capitalism and Its Culture* which I understand from you the President does not like but which in general has received very favorable reviews. You will remember also that in 1933 you stated that there was no criticism of my teaching at all.

"It has been my hope that in the fellowship of our own faculty the vote on my promotion might be based on my service to the School and the students, apart from the other factor of the pressure of the Yale Corporation, conservative business interests, etcetera."

The question of Prof. Davis' promotion came up for consideration again on January 16, 1936. Prior to the meeting, the Dean conducted what one member of the permanent faculty termed "a vigorous campaign" against recommending promotion. In private discussions with faculty members, he let it be known that the Corporation would probably reject a recommendation for promotion because of opposition within the Corporation and by the President and Provost. He argued that if the Divinity School faculty recommended promotion and the Corporation voted it down, serious conflict would result between the Divinity School and the Corporation. He also told one faculty member, who relayed it to another, that Prof. Davis had threatened to bring his case before the A.A.U.P. in the event that the Corporation overrode the faculty. Prof. Davis has denied that he made such a statement.

At the meeting, according to one member of the faculty, the Dean acted "as if he were a prosecuting attorney." According to several faculty members, he fought against the proposition to recommend advancement with such a display of emotion that he made those who voted for promotion feel as if they were "rejecting his friendship." Before the vote was taken, he announced "that the President, the Provost, and the Yale Corporation were opposed to Davis' promotion to a full professorship."¹ To reenforce his statement about the President's opposition, he read a letter from President Angell regarding Prof. Davis. The letter, dated January 15, 1936, read as follows:

Dear Dean Weigle:

Here is another little piece of sand in the gear box which comes to me from one of our outraged alumni in Reading, Pa. I must say that I think Jerome is becoming an increasing nuisance and my patience is inevitably wearing rather thin. You may know that, in connection with the permission to use Woolsey Hall for raising some money for the Henry Wright Cottage, he is trying to bring Senator Nye here and to drum up a student demonstration to exhibit the sympathy of the University for Senator Nye's views. I am sure that neither the Divinity School nor the interests centering in the Wright Cottage are helped very much by this kind of thing.

Faithfully yours,

JAMES R. ANGELL

As in 1933,² Prof. Davis was not informed by Dean Weigle that he had received such a letter or that he intended to read it to the permanent faculty. As in 1933, Prof. Davis was given no opportunity to refute the charge before those who had heard it and were influenced by it.

1. From a memorandum prepared by Prof. Macintosh.

2. See page 15.

Several days after the faculty had voted not to recommend promotion but another term as associate professor,¹ an interchange of letters between Prof. Davis and President Angell brought an acknowledgment from the latter that his charge about drumming up a student demonstration had been mistaken.²

The comments of Professor Douglas C. Macintosh concerning these meetings (made in an interview on May 1, 1936 with President Angell) are as follows:

"I told the President further that when the Dean called the Appointments Committee to consider the case of Davis he urged us not to ask for promotion, giving as his reason that the President and the Provost would not support such a recommendation and that the President had said that the Corporation would not promote Mr. Davis. I told how I had protested that we were being confronted with what amounted to a *fait accompli*, and that it was unfair to keep us in this way from considering the case freely and on its merits from our own point of view.

"I said further that in my opinion the action of the Board of Permanent Officers of the Divinity School in asking for the reappointment instead of the promotion of Mr. Davis was largely due to the pressure brought to bear upon us by the Dean's information about the attitude of the Administration and the Corporation and by his own recommendation in the same direction; that one member of the Faculty had said that in view of the situation reported by the Dean he thought that out of kindness to Mr. Davis we ought not to ask for his promotion, only to have our request turned down by the Corporation; furthermore, that I thought several other members of the Faculty were influenced to vote as they did by the same consideration. I reminded the President that the explanation given Mr. Davis why he was being dropped was that the Divinity Faculty had not asked for his promotion."

Evidence supporting Prof. Macintosh's contention has been found in the testimony of other members of the permanent faculty. One professor has stated that his vote against promotion was influenced by the Corporation's attitude or what was reported by the Dean to be the Corporation's attitude. He felt that it would be unfair to Prof. Davis to advance him when there was such strong opposition to him in the University. Another member of the faculty has stated that his negative vote on advancement hinged in part on the rumor about Prof. Davis' threatening to take his case to the A.A.U.P. A third faculty member has testified that before and after the meeting on January 16, 1936, members discussed the question of whether Corporation opposition should be permitted to figure in their decision regarding Prof. Davis' status.

1. The details of the voting are given and discussed below. See pages 40-43.

2. For the letter, see page 53. It is also to be noted that to the minister who presided at the Reading Pa. meeting, the rage of the alumnus who had complained to Pres. Angell was unwarranted. The Rev. Mr. John R. Hahn wrote to Pres. Angell to say that Prof. Davis, who had lectured on "Capitalism and Its Culture" at the invitation of the Women's Club, spoke "*with distinction and credit to the institution he represented*. To be sure there were a tiny minority of wealthy reactionaries who did not find Dr. Davis' facts very pleasant. But the large majority of the middle-class audience considered Dr. Davis' treatment of the subject quite *scholarly, dignified, sane, and constructive*. I have gone out of my way to check back on the matter with leaders of the Open Forum activities here, and received confirmation of the judgment expressed above." (Our italics).

4. **Conclusion.** The preceding evidence indicates that the Yale administration's interpretation of faculty action is unwarranted. The Divinity School faculty, stirred by knowledge of the President's and Corporation's opposition to advancement, subjected to the influence of false charges against Prof. Davis, and strongly pressed by the Dean of the Divinity School to reject promotion, could not effectively dedicate itself to the task of weighing the merits of Prof. Davis' work. Therefore, the faculty's refusal to recommend promotion can not be reasonably taken as a judgment of Prof. Davis' scholarship and teaching.

The validity of this conclusion is suggested by a statement made by Dean Weigle to Prof. Davis a few months after the faculty's action. On April 6, 1936, the Dean stated, according to Prof. Davis, that if the Divinity School were an independent institution with an independent board like Union Theological Seminary, Prof. Davis would have been recommended for a full professorship. The authenticity of this statement is attested to by a witness independent of Prof. Davis.¹

C. DEAN WEIGLE'S LETTER OF SEPTEMBER 25

Thus far the Committee has presented evidence relating to the Yale administration's interpretation of faculty recommendations. What is undoubtedly of greater significance in reaching an understanding of faculty actions is a document issued by Dean Weigle and signed by eleven members of the Divinity School permanent faculty. The document takes the form of a letter to Prof. Davis and states the reasons that prompted the faculty not to recommend Prof. Davis' promotion to a full professorship in 1927, 1930, 1933 and 1936. It reads in part:

"The decision each time² was based on what seemed to a majority of the Board to be lack of evidence that you possessed the scholarly competence and the capacity for research and interpretation in the social field which should be required of a man of professorial rank in your chair; lack of evidence that you understood and were actively committed to a suitable conception of the teacher's role in a graduate professional school; and lack of evidence that you were prepared to afford guidance to the more advanced students. It appeared that you were inclined to give a disproportionate amount of time and energy to outside

1. On April 6, 1936, following the interview, Prof. Davis wrote to Dean Weigle: "I was glad to know that you would not have the slightest hesitation in keeping me on your staff permanently if the Yale Divinity School had an independent board as Union Theological Seminary has and that in that case you would favor my being made a full professor, waiving any possible doubts about my scholarship. I realize that concessions have to be made in the university situation, but isn't it a question of how far a graduate school of religion within the university should be subservient to a group outside its own department which can hardly know the necessities of training men for work in the religious and social field in this era of crisis and change?" The Dean wrote to Prof. Davis on April 24 but made no denial of the statement attributed to him. On April 29 Prof. Davis, interviewing President Angell regarding his status, informed the President of the statement made by he Dean regarding an independent Board. The President announced that he would telephone the Dean at once to ascertain the truth of the assertion. On May 1 the Dean wrote to Prof. Davis denying that he had said he would keep Prof. Davis permanently on his staff if the Divinity School had an independent Board.

2. "Each time" specifically refers to actions taken by the faculty in 1927, 1930, and 1933.

projects not directly related to your work as teacher; and that you were inclined too strongly to the attitude of the propagandist rather than that of the instructor. We recognized the special difficulty of finding the right balance between theory and practice, research and advocacy in a field such as yours, and were ready to give you additional time through reappointment; but we were not prepared to recommend your promotion to professorial rank."

Regarding the faculty's refusal to recommend promotion in 1936, it was stated:

"... The grounds for this decision were in general the same as before. The evidence in support of it had been augmented at two points. You had been granted leave of absence during the second half of the academic year 1933-34 to enable you to produce a work of such scholarly competence as would establish your right to professorial rank. But in our judgment, and in the judgment of members of the Department of Sociology and of general officers of the University, your subsequent publications did not meet the requirement. Further, additional evidence had come to our notice which tended to show that whereas your teaching provided stimulus of undoubted value, especially to less advanced students, it did not offer guidance satisfactory to more advanced students."

Dean Weigle's name led the list of eleven signatories. Of the men on the Board of Permanent Officers, two refused to sign the document; one was Professor Halford E. Luccock; the other was Professor Douglas C. Macintosh, head of Prof. Davis' department. One other permanent faculty member signed with reservations which indicated that he regarded these opinions as representing the majority vote and not his own.

On examination, the document revealed many features which bring its acceptability as an explanation of faculty actions deeply into question. It was found that

1. Two of the signers, Professors Roland Bainton and Robert Calhoun, had not been members of the Board of Permanent Officers in all the years when the actions referred to in the document had been taken. The solicitation and the attachment of their signatures represent a gross breach of propriety.

2. Another signer had asked to be excused from the voting and had not voted in 1936 on the ground that he had not been at the Divinity School long enough to be able to make judgments of Prof. Davis' work. Yet his signature was attached.

3. Three other signers have stated that they possess no first-hand knowledge of Prof. Davis' scholarship and teaching, or that they do not regard themselves as capable of passing judgment on his work.¹

4. The explanation given in the document of faculty action in 1927 does not coincide with the explanation made in 1927. It is stated that the faculty's failure to recommend Prof. Davis for a full professorship in 1927 was based on the same considerations of scholarship, outside work, etc., that motivated rejection in 1930, 1933, and 1936. Research into the question revealed that in August 1925, when Prof. Davis was offered a full professorship at the University of Wisconsin, Dean Charles R. Brown

1. The statements are cited below. See page 24.

had written to Prof. Davis: "I should be ready to recommend you to a full professorship at the end of your present engagement." However, by the time Prof. Davis' term had expired in 1927, he was told that a new ruling had been put into effect requiring assistant professors to pass through the intermediate grade before being made full professors. It was this official ruling that caused the faculty to recommend Prof. Davis for advancement to the associate professorship at a \$500 increment instead of to the full professorship.

5. The explanation given in the document of the faculty's action in 1930 does not coincide with the expression made in 1930 regarding that action. In the document it is stated that the 1930 recommendation, like other recommendations, was based on "lack of evidence that you possessed the scholarly competence and the capacity for research, etc. . . ." Yet in 1930 Deal Weigle, in writing to Prof. Davis regarding the faculty's action, made absolutely no mention of these considerations. Instead, in a letter dated January 21, 1930, the Dean stated:

"This vote (reappointment as associate professor at a \$500 increase) was taken unanimously and many of the Board expressed their desire that I should convey to you an expression of their interest and satisfaction in your work and of their hope that it may be possible to offer you permanent appointment at the close of the term which is now voted. I am glad to say that I share in this interest and this hope . . ."

6. Ambiguous reference is made in the document to the opinion of the Sociology Department of the University regarding Prof. Davis' work. The document reads:

" . . . In the judgments of members of the Department of Sociology and of general officers of the University, your subsequent publications did not meet the requirement. (i.e., the requirement of the full professorship.)"

It is not made clear whether the judgments referred to were expressed informally by individuals, or formally by the department as a whole. The Committee has found that some members of the Sociology Department regard Prof. Davis' work with favor.¹ Furthermore, the reference to the Sociology Department instead of the Department of Social Sciences is curious, since administrative officers constantly refer to the Social Science Department in connection with Prof. Davis' Chair and to the need for securing the judgment of the Social Science Department regarding Prof. Davis' work.² Now, the judgment of the Social Science Department, which includes the members of the Sociology Department, the Government Department, and allied departments, appears never to have been canvassed. A full professor of the Social Science Department wrote Prof. Davis on May 22, 1936:

"Following our conversation, let me say again that no question concerning your appointment has been brought up at any meeting of the Social Science Department that I have attended. I have attended the

1. The opinions of two members of the Department of Sociology are cited below. See pages 33 and 37.

2. See pages 10 and 11 for statements by former Dean Brown, the Provost, etc.

only meeting that has been held this year and all meetings of the past few years."¹

7. The document does not contain a single reference to the known opposition of Treasurer, Provost, President and Corporation members to Prof. Davis' promotion. It does not indicate that Dean Weigle had in each instance made the permanent faculty aware of Corporation opposition. It does not reveal what part this knowledge had played in determining faculty recommendations. Instead it concentrates on scholarship, teaching, outside work as if these were the sole considerations at faculty meetings.

8. Finally, the document was prepared on June 13, more than four months *after* the Corporation had voted to terminate Prof. Davis' contract, and delivered to Prof. Davis by Dean Weigle on September 25, more than seven months *after* the Corporation had acted.

To this set of peculiar circumstances are added two others. On May 6, 1936, eleven members of the Divinity School general—not permanent—faculty sent a memorial to Dean Weigle. The memorial read as follows:

"We the undersigned members of the Yale Divinity School Faculty hereby express our profound dissatisfaction with the present situation according to which our colleague, Associate Professor Jerome Davis, is, by the action of the Yale Corporation, to be dropped from the Faculty after one more year of teaching. We feel that this is both an injustice to Professor Davis and an action which will prove very injurious to the Divinity School.

"We therefore protest most earnestly against the refusal of the Corporation to accept the recommendation of our Faculty that the limitation of Dr. Davis' connection with the University to one year more be removed, and wish hereby to express the earnest hope that before irreparable damage has been done the action previously requested be urged again upon the President and Fellows of the Corporation. It seems to us that such action is indispensable for the avoidance of grave injury to the School, for whose welfare and usefulness we are all, with yourself deeply concerned."

The signatures of four men who had signed Dean Weigle's document appeared also on this memorial.

Furthermore, it is to be remembered that the permanent faculty which refused to recommend Prof. Davis' promotion to a full professorship voted unanimously to recommend a new appointment, with all except one voting for a three year term. When the Corporation rejected this recommendation and voted to terminate Prof. Davis' contract on June 30, 1937, the permanent faculty by a vote of 8 to 5 petitioned the Corporation to remove the terminus date. Later, on March 19, 1936, the permanent faculty again petitioned the Corporation to set aside the terminus date, this time by a vote of 10 to 1. A request that these petitions be acted upon was delivered in November, 1936.

Conclusion. The foregoing evidence suggests that the materials pre-

1. The letter continues as follows: "If I were called upon to give an opinion of the matter, my opinion would be in favor of giving you permanent appointment. From what I can learn, your public works have been favorably reviewed by competent reviewers and you have been faithfully and competently discharging the task for which you were brought to Yale."

sented in Dean Weigle's letter are neither accurate nor complete, and that the letter is therefore not to be accepted as an adequate explanation of faculty action. The letter contains interpretations of earlier faculty actions which do not coincide with the explanations offered at the time. Four of the signers admit having no first-hand knowledge of the matters on which judgment is passed. Two others attached their signatures without having participated in the actions described. All these considerations, taken together with the date when the letter was issued, label it a post-dismissal effort to rationalize the Corporation's action.

D. FACULTY OPINIONS OF PROF. DAVIS' WORK

Having found that the interpretation of faculty actions presented in Dean Weigle's document and in official administrative statements is inaccurate and incomplete, we may now turn to the members of the permanent faculty themselves for testimony regarding Prof. Davis' scholarship and teaching.

1. *Favorable Opinions.* Professor Douglas C. Macintosh, head of Prof. Davis' department, regards him as a capable scholar and teacher. Immediately after President Angell had released his statement to the press on October 20, Prof. Macintosh issued a public rejoinder. He referred to the very favorable reception which had been accorded *Capitalism and Its Culture* by acknowledged scholars in the field. He commented on Prof. Davis' teaching as follows:

" . . . I am free to say that I regard him as one of the most influential and valuable members of the Divinity School Faculty . . . "

Prof. Macintosh has long favored Prof. Davis' promotion to the full professorship, and has, since 1930, been insistently raising the question with Dean Weigle, the permanent faculty, and President Angell.

Two other members of the permanent faculty share Prof. Macintosh's confidence in Prof. Davis' work, and have actively favored promotion for almost as long a period as has Prof. Macintosh. Shortly after President Angell's release had appeared in the press, Professor Halford E. Luccock issued the following statement:

"I regard the dropping of Professor Jerome Davis from his place on the faculty of the Yale Divinity School at the end of this academic year as a calamity of the first order. As a colleague of Professor Davis for eight years I have had ample opportunity to observe carefully the effect of his teaching on students of successive classes. My conviction, based on these years of close observation, is that he has been one of the most effective and influential teachers in the school.

"Student opinion in the school has rated him high in the matter of leaving a strong impress on their thinking. In a field indispensable to the training of the minister today, that of the relations of religion to the social and economic forces of the world, a field in which, if teaching is to be done with competence and thoroughness, it inevitably leads into controversial questions, Professor Davis has done outstanding work in giving students knowledge of the contemporary world, and supplying inspiration and training in the development of skill in the social work of the church. His removal will mean a very serious crippling of the work of the school."¹

1. New York Herald Tribune, October 22, 1936.

2. *Unfavorable Opinions.* An opposite view of Prof. Davis' work is held by two members of the permanent faculty. One member has for a long while believed that Prof. Davis should not be continued at the Divinity School. At various times he has stated that he felt Prof. Davis' scholarship and his public utterances lacked those qualities of sobriety and soundness of judgment which are to be expected of a faculty member. In fairness to Prof. Davis, it should perhaps be stated that the man in question stands at the opposite end of the scale from him in his social and economic opinions. Another faculty member's opposition is of more recent date. It has arisen mainly out of a reading of *Capitalism and Its Culture*, in which, he believes, Prof. Davis reveals a tendency to draw broad and sweeping conclusions too quickly or on insufficient grounds. The man in question also stated to a member of the Committee that he felt Prof. Davis' teaching had not afforded guidance to the more advanced students.

3. *Unsettled Opinions.* It appears that at the time when the question of Prof. Davis' promotion arose late in December 1935, four members of the permanent faculty had not definitely made up their minds either in the negative or in the affirmative. Statements made by the four to Prof. Davis and to the Committee suggest that they had no very strong feeling for or against Prof. Davis' work. One has stated that, in signing Dean Weigle's letter, he was accepting the judgments made in the document as the judgments of the faculty and not recording his own opinions; he granted, in discussion with Prof. Davis,¹ that it was unfair to charge him with having too many outside activities without having compared his activities with those of other faculty members. Another has said in a memorandum dated October 29, 1936 that he had not up to that time read *Capitalism and Its Culture*, and therefore had had "no independent means" of forming a judgment of its merits. On November 4, 1936 a third faculty member wrote to Prof. Davis:

"You are entirely accurate in saying that I did not regard myself as competent to criticize either your scholarship or your teaching. I have never done this either in public or in private, and have no competency or knowledge which would justify me in doing so now."

The fourth faculty member informed the Committee that he had no especial interest in Prof. Davis' field of work, and lacked familiarity with it. He pointed out that his field was as distant from sociology as any could be and that he did not know any more about Prof. Davis' scholarship than Prof. Davis probably knew about his.

For these members of the faculty, it was perhaps inevitable that such extraneous considerations as were being raised by the Dean should exert some influence. One member informed the Committee that before and at the January 16th meeting, the pros and cons of allowing the Corporation's reported attitude to affect faculty recommendations were discussed. He allowed that this factor may have influenced those who were not definitely decided on the question of Prof. Davis' scholarship. Another admitted, as was previously indicated, that his vote was partly influenced by a rumor that Prof. Davis intended to take his case to the A. A. U. P.

1. The Committee has seen a written memorandum of the conversation which was made by Prof. Davis at the time of the conversation.

in the event that the Corporation rejected the faculty's recommendation for promotion. A third stated that his vote against promotion was in part affected by what was reported to him as the Corporation's attitude: he felt that it would be unfair to Prof. Davis to recommend him and then have the Corporation turn down the recommendation. These indications that a rumor and the Corporation's attitude affected the vote on promotion, were confirmed by another faculty member—one whose opinion of Prof. Davis' scholarship was negatively set in advance of the discussions. This faculty member told the Committee that there were "no more than two members of the permanent faculty—possibly only one—who might have been influenced by opposition in the Corporation."

It is clear that the discussions preceding and attending faculty meetings had greater influence on the four members who held uncertain opinions of Prof. Davis' work than on the five who held definitely favorable or unfavorable views. It is also clear that for these members, the opinions and activities of the Dean tended to be decisive.

4. *Dean Weigle's Opinion.* Although Dean Weigle refused to see the A. F. of T. Committee after he had made an appointment with it, the Committee has been able to determine Dean Weigle's attitude toward Prof. Davis' work from discussion with members of the permanent faculty and from examination of correspondence between Dean Weigle and Prof. Davis. In 1933 Dean Weigle spoke against Prof. Davis' promotion mainly on the ground that the Corporation was opposed to granting him the full professorship. When the Faculty voted to recommend Prof. Davis' reappointment as associate professor, Dean Weigle suggested that Prof. Davis take a one semester sabbatical for the writing of a book. He pointed out that most of Prof. Davis' previous books were either source books or had been done jointly with other scholars, and that he thought a new book by Prof. Davis alone would be of value in securing advancement.

Late in 1935, after *Capitalism and Its Culture* had appeared, Dean Weigle told Prof. Macintosh that he thought Prof. Davis had earned promotion, but that he doubted the wisdom of recommending it to the Corporation. In a letter written to Dean Weigle on October 19, 1936, Professor Davis describes Dean Weigle's later attitudes as follows:

"On December 20th you came to me, stating that you did not see why I would want the faculty to propose me for a full professorship considering the fact that the Yale Corporation was opposed. I told you then that in my judgment the real purpose of those who were opposing me in the Yale Corporation was to secure my removal from Yale University, and that I believed if our faculty did not recommend me for a full professorship it would be only a question of time before I would be asked to leave Yale entirely. You replied that you did not believe this was true, that whether or not I was promoted I could stay at Yale permanently if I wished. At another time you read me a letter from President Angell in which he said something to the effect that my book on capitalism showed the effects of scissors and paste, or some such derogatory remark. You commented that you did not believe that this was true. Even as late as the beginning of the year 1936 you told Dr. Macintosh that you thought I deserved promotion.

"You will remember that strong pressures were applied in the meeting of the full professors which considered my promotion. In spite of all this the faculty was split on whether they wanted me to stay perma-

nently, and it was your vote that tipped the scales against me. You called me immediately into your office and said that in spite of this vote I could stay permanently as an associate professor if I wished, and told me I had been unanimously voted the regular three-year appointment. You said you would not transmit the informal vote about permanent tenure to officials down town. You then proposed that you would try to secure a college presidency for me. We discussed the presidency of Bucknell University among others. Later I wrote you that I was not interested in a college presidency. You then agreed to try to secure a five-year appointment for me.

"After the Yale Corporation had given me but one more year and notified you that they would not permit me to stay longer, you reiterated to me several times on different occasions something to the effect that if you had an independent board as Union Theological Seminary has you would not hesitate to promote me to the full professorship and permanent tenure . . ."

In a letter dated October 21, 1936, Dean Weigle denied that he had made some of the statements attributed to him by Prof. Davis. The Dean declared 1) that he had not told Prof. Davis "that members of the Corporation were opposed to your promotion"; 2) that he had not said that "if we had an independent board as Union Theological Seminary has, I would not hesitate to promote you to the full professorship and permanent tenure"; and 3) that his statement to Professor Macintosh did not represent a "final decision" but a statement of a generally "favorable attitude which I had always held.

"If he [Prof. Macintosh] took it as a statement of final decision, it is an honest misunderstanding between us for which I am sorry . . . I kept my mind open on the matter and did not finally reach my personal decision not to vote for your promotion until late in December. That decision was reached in the light of new evidence as to your teaching, your activities and your ideals and methods of scholarship . . ."

Dean Weigle's denials are challenged by the testimony or documentary evidence of others.¹

In considering Dean Weigle's attitude toward Prof. Davis' work, it is impossible to neglect the influence exerted by such materials as President Angell's "sand-in-the-gear-box" letter. Periodically the Dean received complaints about Prof. Davis' outside activities from various sources. In March 1929, for example, the Yale Treasurer reported that influential alumni had protested a speech made by Prof. Davis before the Ministers' Association, and himself protested research undertaken by Prof. Davis. In April 1931 President Angell forwarded to Dean Weigle communications sent by enraged alumni and requested that the Dean investigate and report what he found out about the radio speech that had excited the protest. In December 1935, according to Prof. Davis, Dean Weigle informed him that the appearance of his name on an open letter addressed to the President of the United States had endangered an endowment which the Divinity School hoped to receive from the Colgate soap people.² Repeated incidents of this kind undoubtedly made it difficult for the Dean to preserve an impartial attitude toward Prof. Davis' scholarship and teaching. Taken together with the opposition to Prof. Davis' advancement expressed by the President, the Provost and other members of the Corporation, they un-

1. See pages 16-19.

2. See page 51.

doubtedly account for the vacillation in Dean Weigle's attitude toward promotion, and probably explain his "vigorous campaign" against promotion, as one faculty member termed it, in 1936.

5. *The Vote On Promotion.* The preceding evidence indicates that prior to the 1936 discussions of Prof. Davis' promotion and prior to the January 16th meeting, three members of the permanent faculty favored promotion. Two members of the faculty and the Dean opposed promotion. Four members saw both pros and cons on the question. However, when an informal vote¹ was taken at the January 16th meeting, the count was as follows:

FOR Promotion 3

AGAINST Promotion 7

Only those who had previously held affirmative positions voted for promotion. The four men who had previously not taken either an affirmative or negative position had been motivated to vote against promotion.

6. *Conclusion.* It is impossible to attribute this outcome to any one factor. Corporation opposition, the force of the President's opposition under the Yale procedure of concurrent nomination, the Dean's opposition and his campaign against promotion—all undoubtedly played their part. Without attempting to evaluate the influence of each of these factors, it is fair to say that the members of the permanent faculty were in no state of mind to make sound, impartial judgments of Prof. Davis' scholarship and teaching. Analysis of the several meetings held by the faculty on the question of promotion, analysis of Dean Weigle's letter,² and analysis of the opinions of faculty members—all establish beyond a reasonable doubt that *considerations other than* scholarship and teaching helped to bring out a vote of seven to three against Prof. Davis' advancement.

In arriving at this conclusion, the Committee wishes it clearly understood that this is not meant as a comment on the abilities of the men composing the permanent faculty. It is meant rather as recognition of the improper pressures that were brought to bear upon that faculty by the administration and members of the Corporation through the Dean.

Because of this circumstance, the judgments of scholars outside the Yale Divinity School become very important. Ordinarily the judgments made by the members of a professor's department are to be taken as a fair estimate of his accomplishment. At the outset there was difficulty in following this procedure at the Divinity School. For the permanent faculty at the Divinity School consists of men whose training and work have been in entirely different fields from Prof. Davis' field. Of the ten members who voted on his advancement, not one is a trained sociologist. Two men have conducted research in somewhat allied fields, but the work of the ten has been in such fields as Missions, Old Testament, New Testament, Religious Education, Homiletics, Systematic Theology, and

1. Prior to the formal action voted by the meeting, informal ballots were taken on four questions. See page 40.

2. See pages 19-22.

Comparative Religion. Thus, even if no pressure had been exerted by the administration, judgments of Prof. Davis' scholarship by the permanent faculty would have required the concurrence of trained sociologists. Since undue pressure was exerted by the administration, appeal must be taken to competent sociologists outside the Divinity School. If competent sociologists not subjected to the pressures under which the faculty operated voice opposite opinions, then the judgments implied by the faculty's vote on promotion are to be disregarded.

E. ESTIMATES OF PROF. DAVIS' SCHOLARSHIP¹ BY LEADING SOCIOLOGISTS

Prof. Davis' published works include several textbooks used widely in American colleges, a number of symposia, and a number of sociological studies:

Russians and Ruthenians in America. Bolsheviks or Brothers? New York, 1922. Pp. xiv, 19-155.

The Russian Immigrant. New York, 1922. Pp. xv, 219.

Adventuring in World Cooperation. Boston, 1925. Pp. 60.

Christian Fellowship Among the Nations. By Jerome Davis and R. B. Chamberlin. Boston, 1925. Pp. vi, 116.

Business and the Church. A symposium edited with an Introduction by Jerome Davis. New York, 1926. Pp. xii, 383.

Introduction to Sociology. Behavioristic study of American society. Edited by Jerome Davis and Harry Elmer Barnes. With the collaboration of L. L. Bernard, Seba Eldridge, Frank H. Hankins (and others). Boston, 1927. Pp. xxiv, 926. Revised edition, 1931.

Readings in Sociology. To accompany an Introduction to Sociology. Edited by Jerome Davis and Harry Elmer Barnes. Boston, 1927. Pp. xviii, 1065.

Christianity and Social Adventuring. Edited with an Introduction by Jerome Davis. New York, 1927. Pp. xii, 373.

Industrieller Friede, ein Symposium. Hrsg. von Jerome Davis und Theodor Luddecke. Leipzig, 1928. Pp. 329.

1. The question "What Is Scholarship?" is more dramatically raised by the Davis case than any recent case of dismissal in American colleges. The College Committee found that the least admiration for Prof. Davis' work was apparent among those colleagues whose fields were most remote from the present-day world and its problems. The warmest admiration came from men like Professor Halford E. Luccock, who has dealt with the ethics of the social order, and Professor Richard Niebuhr, whose field is Christian Ethics. Scholars of sociology, economics, and modern history have yet to convince colleagues dealing with *the past* that scholarship does include carefully documented, logically presented analyses of *the present*. Scholars whose researches take them into the *arena of living men and movements* somehow have yet to convince colleagues that scholarship is not limited to researches which can be carried on in a library stack.

Labor Speaks for Itself on Religion. A symposium of labor leaders throughout the world, edited with an Introduction by Jerome Davis. New York, 1929. Pp. 7-265.

Contemporary Social Movements. New York, 1930. Pp. xx, 901.

New Russia, between the first and second five year plans. Edited by Jerome Davis, with an Introduction by Edward M. House. New York, 1933. Pp. xiv, 265.

Jail Population of Connecticut. Connecticut, 1935. Pp. 11-119.

Capitalism and Its Culture. New York, 1935. Pp. xvii, 556. Second edition, 1936.

Professor Davis has also been a frequent contributor to scholarly journals¹ and has frequently presented papers before seminars of the American Sociological Society. He was the general editor of the Vanguard Studies of Soviet Russia published by the Vanguard Press and is at present general editor of the Social Relations Series published by D. C. Heath and Company.

Professor Davis' doctoral dissertation, *The Russian Immigrant* (1922), was praised by leading sociologists, including Franklin H. Giddings and William Ogburn. Professor Davis' most recent work, *Capitalism and Its Culture* (1935) has been favorably commented on by leading American sociologists, economists and historians, including John Dewey, Prof. Henry Pratt Fairchild, John T. Flynn, Prof. Paul Douglas, Harry Elmer Barnes, Prof. E. A. Ross, Dr. John H. Gray, John Haynes Holmes, Harold J. Laski, and Charles A. Beard. Of the more than 25 scholars whose opinions the College Committee analyzed, the following represent the overwhelming consensus of opinion:

"The book is splendidly organized and delightfully written, and it will undoubtedly be widely read and extensively quoted throughout the world."

E. Allen Helms, Ohio State University, in *The American Political Science Review*, Oct. 1935, p. 896.

"Professor Davis' book is as admirable a survey as we know of the impact of capitalism on our civilization. He collects massively a great body of material. He sets it out with impressive clarity and poses the issues confronting our generation so that no man may mistake their meaning."

Harold J. Laski, *London School of Economics*

1. Prof. Davis has published articles in the *Annals of the American Academy of Political and Social Science*, *Journal of Applied Sociology*, *American Journal of Sociology*, *Journal of Educational Sociology*, *Sociological and Social Research*, *Publications of the American Sociological Society*, *Journal of Social Forces*, and the *American Sociological Review*. He has contributed articles to many religious publications, including the *Congregationalist*, *Christian Union Quarterly*, *Unity*, *Religion In Life*, and *The Christian Century*. He has also written for *Current History*, *Century*, *Forum*, *Survey*, *World Tomorrow*, *American Federationist*, *The New Republic*, *Outlook*, *International Student*, *Nation*, *Harpers*, and *Atlantic Monthly*.

"The hard facts of this book presented in realistic terms are a challenge to all persons who are not merely drifting with the tide. Dr. Davis gets somewhere near the center of things and his findings compel attention."

Charles A. Beard

"If American institutions of higher learning were impartial examiners of current social tendencies, this book, dealing critically with the cultural reverberations of the present economic system, would constitute a basic text in hundreds of college courses from Oregon to Florida and from Maine to California."

Norman Woelfel, in the *Social Frontier*,
Jan. 1936, p. 125.

"No review can describe adequately the mass of material in this book. It is the most valuable 'reference book' on social conditions which has come to the reviewer's attention."

Randolph C. Miller, in *The Churchman*,
June 15, 1935, page 16.

Perhaps the most significant estimate made of *Capitalism and Its Culture* was that delivered by Professor John R. Commons. In a letter addressed to the Chairman of the Committee on January 5, 1937, Professor Commons wrote:

"In answer to your letter of December 1, I consider Davis' book reaches the best standards of scholarship. I disagreed in part with his conclusions, which is to be welcomed where there is academic freedom."

That Prof. Davis is held in high esteem by sociologists is indicated by the positions to which he has been elevated in the American Sociological Society. Professor Davis has been a member of the Executive Committee, and is at present an editor of *The American Sociological Review*. He was formerly a contributing editor to the *Journal of Social Forces* and is at present President of the Eastern Sociological Conference.

This general esteem is made noteworthy by the favorable opinions that outstanding American sociologists hold of his scholarship. The A. F. of T. Committee asked and received the judgments of more than a score of America's leading scholars of sociology. Except for a few dissenting voices, practically all placed Prof. Davis high up in the profession. The following opinions are representative:

"I have never had the least doubt of Professor Davis' scholarship. His books are recognized as standard in their respective fields, and his standing in the various professional associations with which he is connected is of the highest. His active and forthright disposition frequently leads him to take a positive stand on various questions, not always, perhaps, with a maximum of tact or diplomacy, but always, I am convinced, with complete sincerity, intelligence, and scholarly integrity. This directness naturally causes him to be in opposition to exponents of contrasting views, but does not in any way reflect upon either his scholarship or the soundness of his judgments and interpretations. Sociology is full of controversial subjects."

HENRY PRATT FAIRCHILD, *New York University*.
Former President of the American Sociological Society

"As regards the charge of lack of scholarship, I do not regard Professor Davis as an outstanding man in his field. At the same time, I do regard him as a competent scholar and would certainly place him above the average. I therefore think that it is very difficult to see how he could be dismissed on this charge and, in fact, if such were the case, it would mean that the tenure of the majority of teachers, not in sociology alone, but in various fields of scholarship, would be eminently insecure.

"While I do not myself hold many of the views of Professor Davis, I cannot come to any other conclusion than that other factors, that have nothing to do with his academic record or his scholarly fitness, are definitely involved in his dismissal."

R. M. MacIVER, *Columbia University*

"Dr. Davis' masterly appreciation of social forces and processes so impressed me that for years I used one of his books as text of my biggest class in sociology. Ten years ago, we, in sociology here, sounded him out with reference to joining us at the University of Wisconsin, but he decided to remain where he was."

EDWIN A. ROSS, *Chairman of the Department of Sociology at the University of Wisconsin*

F. ESTIMATES OF PROF. DAVIS' TEACHING

1. *The Administration's Allegation.* The administration has raised two contentions regarding Prof. Davis' work as a teacher. It alleges that Prof. Davis did not afford guidance to the more advanced students" and that he was inclined "too strongly to the attitude of the propagandist rather than that of the instructor."¹

2. *Undergraduate Courses.* Although no charges have been made by the administration against Prof. Davis' undergraduate teaching, understanding of Prof. Davis' work as a teacher would be incomplete without testimony on this count. The A. F. of T. Committee interviewed a representative group of Divinity School students. It found the overwhelming opinion of Prof. Davis' courses well summarized in a resolution adopted in the spring and fall of 1936 by successive Student Councils of the Divinity School. The resolution of October 21, 1936 read as follows:

"We reaffirm the following statement which was made by the Student Council on May 26, 1936, to the Corporation of Yale University:

"Recognizing Professor Davis' worth to us as students, his stimulating and inspirational character, and regardless of differences or criticisms, we are persuaded that he fills an invaluable place on our campus; and we, therefore, protest the action of the Corporation which terminated Dr. Davis' contract after 1937."

"This was made only after careful investigation of the case by a committee of last year's Student Council, approved by the student body of the Yale Divinity School. Nothing has been brought out since to alter our conviction of this matter."

1. The expressions quoted are derived from Dean Weigle's document. See p. 20.

As another indication of student sentiment regarding Prof. Davis' work, the following petition may be quoted:

"We the undersigned regret to hear that between the Yale Corporation and the Divinity School, action is being taken to prevent Prof. Davis from being with us after June of 1937. Bearing in mind all that Prof. Davis has contributed to our campus in his twelve year stay—his interest in students, his loyalty to social justice, and the stimulus that has come from his classes and his presence on the campus—we protest this action to remove him."

Out of 158 students approached for their signatures in May 1936, this petition was signed by 146.

From letters sent by former students to President Angell in protest against Prof. Davis' ouster, the following¹ may be quoted as representative:

"It is, indeed, a great shock to me to learn that the Yale Corporation has served notice of its decision to dispense with the services of Professor Jerome Davis. Moreover, I am amazed that the charge of defective teaching has been made the basis for his dismissal.

"As you know it was my privilege to have taken courses under Professor Davis, while a student at the Divinity School. I desired to take others but was not permitted because of the fullness of my schedule. It has been my good fortune also to have studied in four other universities, two of them foreign. And I must say frankly that the quality of Professor Davis' teaching is not only equal to some of the best teachers I have had, but also superior to many who were full professors and heads of departments and divisions. I cannot, therefore, understand how this charge could be made a basis for his dismissal. As a bit of objective evidence, for my judgment, I have notebooks and papers done in every course that I have taken that might be used as comparative data.

"In addition, Professor Davis is one of four men who, during my scholastic career, has made a permanent contribution of inestimable value to my life and training. It was he who first revealed to me that aspect of Reality — the real world of men and women — without which revelation, in these crucial times, I cannot see but what my life would have been but an aching void.

"I know he has done this for many others . . ."

HARRY W. ROBERTS²

Professor Richard Niebuhr,³ whose work in the field of Christian Ethics at the Divinity School brings him in contact with many of Prof. Davis' students, has written:

"I want to say to you that as a colleague who has been able to observe something of the effectiveness of your teaching, I have the very highest regard for your work. Perhaps I have met you in the minds of the students even more than I have met you directly. The teacher I encountered there was an excellent one, who awakened minds, stimulated thought, raised problems, and set men to work to find their own solutions. Moreover, you confronted them with problems and showed them areas of life which none of the rest of us have been able to open up to

1. A copy was forwarded to Prof. Davis and submitted by him to the Committee.

2. Mr. Roberts received the Day Fellowship, one of the two highest awards voted each year by the Divinity School faculty for excellent scholarship. He has also been a recipient of a scholarship award from the Julius Rosenwald Fund of Chicago. He is now the recipient of a grant-in-aid from the Carnegie Foundation and an award from the General Education Board.

3. Prof. Niebuhr, as an associate professor, is not a member of the permanent faculty of the Divinity School.

them so vividly or directly. So far as my own work is concerned, I dislike very much to think of a day when students will enter my classrooms and conferences without these critical and activist attitudes they have learned from you. This task of theological education today requires the contribution of many men, sometimes of men with rather diverse attitudes; without your contribution I fear that our work will be greatly hampered."

From several members of the Department of Social Sciences of Yale have come rather significant testimonials. Professor Wight Bakke, who was formerly a student of Prof. Davis, has written:

"I learned with real regret that you were not to receive your permanent appointment at Yale. During the years I was in the Divinity School I learned to appreciate the value of your work to the students there. The power you had to keep bringing them back to the realities of contemporary life, the sound direction you gave to their study of society and its problems, the fair hearing which you gave to all points of view, the stimulus you gave to men to do their own thinking, these factors always seemed to mark you as a first rate teacher. If we sometimes felt you generalized too quickly, we were never asked to accept your generalizations dogmatically and you accompanied your statements with very complete references to primary material, and urged us to dig out the facts for ourselves.

"Let me add that since I have been teaching at Yale I have had one or more graduate students whom you have sent down from your department. I have found in every case a soundness of preparation, a keenness of critical judgment, which placed them in the front rank of my students.

"I had always supposed that your teaching ability, your community service (unequalled in extent by any Yale teacher), the usefulness of your publications in American colleges, your standing in the Eastern and American Sociological Societies, your knowledge of the technique of social reform, your unquestioned power to motivate men in each reform *on the basis of Christian idealism*, when added to other qualities I first mentioned, were qualities which would make you eligible for permanent appointment in the Yale Divinity School. The school will lose one of its most valuable teachers if you leave. I say that as a former student in whom you first aroused an interest in the study of society and to whom you recommended the course of preparation which I have since pursued, a course which you knew would result in eventual differences in our point of view."

The value of these judgments of present students, former students, and colleagues is emphasized by the results of a survey¹ conducted in 1931 into the education of American ministers by the Conference on Theological Seminaries in the United States of America and Canada, and by the Institute of Social and Religious Research. Students were asked to rate their courses on ten counts:

- (1) To what extent has this course made you better able to handle the type of material with which it deals?
- (2) To what extent has this course changed or caused you to revise your own ideas or convictions?
- (3) To what extent has the course helped you to meet the practical problems of a minister?
- (4) To what extent has this course stimulated you to read and investigate within the general field which it represents?
- (5) To what extent has this course broadened and enriched your general fund of knowledge?

1. The survey was published in four volumes under the title, "The Education of American Ministers."

- (6) To what extent has this course helped you to think through the problems of religion?
- (7) To what extent has this course aided you in the conduct of your personal religious life?
- (8) To what extent does this course win the attention of the students?
- (9) To what extent does it enlist their participation in discussion?
- (10) To what extent does it succeed in getting the students to work on its problems and assignments?

The survey found that Prof. Davis' course in Christianity and Social Progress was given the highest ranking of any course in the Divinity School.

3. Graduate Courses. The Committee found that the consensus of opinion about Prof. Davis' graduate courses was, as in the case of his undergraduate courses, favorable. The attitude of the vast majority of Prof. Davis' graduate students is well expressed by the Reverend Mr. Liston Pope, Minister of the Humphrey Street Congregational Church of New Haven, in a letter which he sent to Dean Weigle. The Reverend Mr. Pope wrote:

"Last year I was a member of Professor Davis' Social Ethics Seminar, and found his personality and his viewpoints tremendously stimulating and of incalculable value. Though presuming to disagree with many of his ideas, I nevertheless regard him as one of the most effective teachers I have ever had. In his class one could never feel that the social order is merely something to be studied (to the point where one would almost inevitably bog down in futility or cynicism), but that it is also a field for action, at whatever personal cost. If there is anything to the project of teaching, he uses first-class methods."

As an example of some negative reactions to Prof. Davis' graduate courses, the following letter to the *Christian Century* for December 2, 1936 is representative:

"Due to the volume of correspondence tending to make a martyr of Jerome Davis in connection with the lapsing of his contract at Yale, I am minded to make a comment on the case. There seems to be a need for distinguishing between personal attractiveness and scholarship in this incident. Having had work with Professor Davis while a student at the Divinity School I can vouch for the former. He was highly popular with most of his students. That he was in any sense a scholar would hardly be claimed by his most ardent admirer.

"Having taken the course that was so enthusiastically endorsed by many I have a right to comment on it. It was without exception the most poorly organized and most unsystematic of any of the graduate courses I ever took. As I recall I received an A,¹ so I cannot be accused of any personal spite in the matter. At the conclusion of that course I was quite prepared to credit an observation made by Dean Weigle, that Jerome Davis would be dismissed for inadequate scholarship.

"Of course Professor Davis is a radical. That is not the point. The point is that he is a doctrinaire radical who loves to flaunt his dogmatic radicalism before those who hold other views. As such he is as unacceptable and as boring as a doctrinaire reactionary.

"Professor Davis' books speak for themselves. Let him who reads be the judge. But after reading those books and sitting through his class periods three days a week, let me say that if Jerome Davis can be classified as a scholar then I am the incarnation of the hanging gardens of Babylon."

IREV. MR. J. C. STANLEY LOWELL

1. The Yale record indicates that the Reverend Mr. Lowell receive a "B+" in Prof. Davis' course, not an "A."

In the same issue of the *Christian Century* appeared a statement from Professor Georgia Harkness of Elmira College, who had taken one of Prof. Davis' courses while on leave from her post as full professor in the Department of Philosophy. Professor Harkness wrote:

"Probably you do not need more words to reinforce the statement of Professor Macintosh and others regarding the injustice of Jerome Davis' dismissal from Yale. However, I should like to say that when I was at Yale in 1928-29 on leave of absence from my own teaching post, I took a graduate seminar with Professor Davis and found it most stimulating and valuable. It was conducted in a less pedantic manner than some seminars, but I did not consider anything about it to be unscholarly. If I had, I should have been free to go elsewhere, as I already had a doctor's degree and a full professorship.

"The Davis case seems to me to give evidence of a danger more insidious than the hold of financial interests over academic institutions. This is the tendency of scholars to judge the work of other scholars by conventional rather than vital standards. Santayana has written, 'It is not wisdom to be only wise.' But many scholars, trained in the traditional academic mores and devoted to their perpetuation, have not yet learned this."

4. Professor Davis as Propagandist. The vagueness of the charge that Prof. Davis inclined "too strongly to the attitude of the propagandist rather than that of the instructor" made it difficult to gather evidence. If the word "propagandist" is used to mean that Professor Davis presented those conclusions to his classes at which he had arrived after careful research, the charge does not merit investigation. For it is clear that the scholar as scholar has an obligation both to the world's knowledge and to his students to present those generalizations which are made valid by scientific and exhaustive research. If, on the other hand, the word "propagandist" is used to mean that Prof. Davis gave no hearing to opposing conclusions and insisted dogmatically on the acceptance of his own conclusions, there is little evidence to substantiate such a contention regarding Prof. Davis' teaching. The letter from Professor Wight Bakke cited above represents the almost unanimous opinion given to the investigating Committee both by students and colleagues. Prof. Bakke wrote in part:

"The fair hearing which you gave to all points of view, the stimulus you gave to men to do their own thinking, these factors always seem to mark you as a first-rate teacher. If we sometimes felt that you generalized too quickly, we were never asked to accept your generalizations dogmatically, and you accompanied your statements with very complete references to primary materials and urged us to dig out the facts for ourselves . . ."

G. THE CHAIR OF PRACTICAL PHILANTHROPY

1. The Administration's Allegation. Another charge raised by the Yale administration is that which is described in Dean Weigle's document as Prof. Davis' inclining "to give a disproportionate amount of time and energy to outside projects not directly related to your work as teacher."

2. Prof. Davis' Answer. It is perhaps appropriate first to give Prof. Davis' reply to this charge. In a letter dated October 19, 1936 Prof. Davis wrote to Dean Weigle:

"I think it is clear that in the chair of Practical Philanthropy which I hold, theory and practise go hand in hand. My classroom work is very closely related to every single one of my outside activities. Except in

one instance I have always been ready to curtail or eliminate outside work. The only case which I refused was when Mr. Howell Cheney of the Yale Corporation, ten years ago, tried to have me stop helping in educational work for organized labor. I pointed out to him that this was taking only one night a month and that I felt it was work which was of value in my field. Once you came to me saying that the criticisms by reactionaries of some of my talks had made the administrative officers down town wonder whether I had not taken on too many outside speaking engagements. You asked me to give you a list of all of them. I promptly gave you this list and you then stated that it was not too many, in fact, that I had far less than other members of the faculty.

"I have long desired to be relieved of the necessity of raising the budget for the Henry Wright Cottage, which I have done for eleven years. It is true that I have received the formal thanks of our faculty for my work in connection with the Cottage, but I should have liked to have had someone else assume the burden of raising the money. Before leaving to lecture in the universities of Japan I secured the written agreement of Professor Robert Seneca Smith to do this work for the fall of 1935. On my return I was appointed chairman of the committee by you with the practical result that I had to continue this task.

"Once I came to you suggesting the possibility of my resigning as Chairman of the Legislative Commission on Jails of this state. While the Chief Justice of the State¹ asserts that my work has been invaluable it has taken more time than all my other outside activities combined. Yet you did not approve of my resigning. You stated that this office would help me with the Yale Corporation and the President, and you wished me to continue.

"In view of the fact that I have always been willing to reduce my outside responsibilities, it does not seem to me in accord with the real facts to bring forward such an objection for the first time months after I had received notice of dismissal."

3. *Function of the Chair of Practical Philanthropy.* Professor Davis was brought from Dartmouth to the Yale Divinity School in 1924 with the specific understanding that it would be his function to train students in the *practical* task of applying Christianity to life. Dean Brown stated at the time that he wanted Prof. Davis, not only to include an introduction to modern reform movements and to the labor movement in his

1. On June 6, 1936 Chief Justice Maltbie of the Supreme Court of Errors of Connecticut wrote as follows to Professor Davis:

"For a long time I have had the feeling that I would like to express to you my own appreciation of the work you have done in these last years in the effort to improve the jail system in Connecticut. I had, of course, known for a great many years the conditions in the county jails and when you first came to me with your plan for substituting for them a State institution in the type of a jail farm, it seemed to me that the time had come to make a determined effort to work out the terrible problem presented by the jails. Since then you have been indefatigable in your efforts and have borne the burden of the fight. Of course it is not yet won, but when it is— and you note I say "when", and not "if"—the citizens of the State, whether many of them are conscious of it or not, will owe you a debt for a public service finely done. Even as it is, great improvements have been made in the existing county jails and the citizens of the State are far more conscious of the problem which they present than they would otherwise have been. Anyone laboring for an unselfish end such as this gets many blows and few words of commendation. I hope that you can throw this expression of appreciation on my part into the scale as a slight counterweight against the criticisms and opposition which you encounter."

course, but that he wanted Prof. Davis himself to be in contact with the labor movement. According to a doctoral study of *The Yale Divinity School, 1899-1928*,¹ the Dean referred to the Chair of Practical Philanthropy as one dedicated to "training for social service. The emphasis always is to be placed upon the word 'service.' The idea is that of applied knowledge."²

4. *Prof. Davis' Work in the Chair.* In the doctoral study referred to previously, Dr. James Glover Johnson describes Prof. Davis' many "outside activities" with the implication that these were the desirable accomplishments of the man who occupied the Chair of Practical Philanthropy. In preparing his study, Dr. Johnson had access to the official reports made by the Dean of the Divinity School to the President of the University.³ Professor Davis, we are told, made arrangements for Yale Divinity School students to take a full year of work at the New York School of Social Work and receive full credit at the Divinity School. He made arrangements with Henry Ford to employ 50 Yale men in his plant at River Rouge during the summer vacation; the students were to work side by side with the laborers in the Dearborn plant receiving the regular wages; once or twice a week they would meet together for conferences with some leader in the city. To bring students into contact with the practical aspects of social work, Professor Davis had the students make surveys of social conditions prevailing in the city of New Haven, and arranged for students to participate in work in New Haven jails and hospitals. He held conferences with industrial relations executives of many of the largest concerns in the country and secured their cooperation in bringing first-hand information on business and economics to the students.⁴

Professor Davis founded and raised large sums of money necessary to establish the Henry Wright Cottage, which is used during the school year for discussion purposes by students and faculty of Yale and which, during the summer, is used by nurses who are in training at the Yale School of Nursing.⁵ In 1926-27 Prof. Davis arranged the monthly program of the New Haven Trades Council as well as three large mass meetings which were addressed by William Green, President of the American Federation of Labor, Senator William E. Borah, and Dr. Charles R. Brown, then Dean of the Divinity School.⁶

Regarding Prof. Davis' work and the function of the Chair of Practical Philanthropy, a member of the Social Science Department of the University and a former student of Prof. Davis has written:

... "The work of your department, by its very name, should emphasize the practical rather than the purely scholarly or theoretical. Your emphasis upon reform movements and reform techniques is justified not

1. Johnson, James Glover. *The Yale Divinity School, 1899-1928*. Yale University Library, 1936.

2. *Ibid.*, p. 123.

3. Dr. Johnson's thesis was written directly under the supervision of Dean Weigle.

4. *Ibid.*, p. 96.

5. *Ibid.*, pp. 110, 112.

6. *Ibid.*, p. 111.

only by the nature of your department but by the interests of those seeking professional training in applied religion. Moreover, out of your own rich experience you have more to offer in the field of social reform than any person I know. Few men have ever lived more enthusiastically or more completely the self-sacrificing philosophy they teach.

"Secondly, it seems to me as a former student, that your devotion to practical activity gives balance to the Divinity School curriculum. Other courses and other instructors have their rightful place, but the continual urge to make practical application of Christian ethics to contemporary life is also necessary. This you have done as no other member of the Divinity School faculty has.

"And lastly, but no less important than the preceding, the work you have done in organizing and initiating projects and surveys of social significance should not be overlooked. I refer to your Henry Wright Cottage work, the Council of Churches Jail project and the Connecticut State jail survey. The support these things have received from the population at large speaks for their worth and non-controversial character."

5. *Conclusion.* The preceding material suggests that the Chair of Practical Philanthropy posited outside work as an integral part of its function and that Prof. Davis performed this work with insight and zeal. The administration's allegation thus appears to be without basis.

H. CONCLUSIONS ON SCHOLARSHIP AND TEACHING

From the foregoing evidence, a number of conclusions may be drawn:

1. In acting on Prof. Davis' promotion both in 1933 and in 1936, the permanent faculty of the Divinity School was prevented from giving judicious consideration to Prof. Davis' work by the Dean's introduction of an unfounded charge and a knowledge of Corporation opposition to Prof. Davis' promotion into faculty discussions. The Dean committed gross breaches of academic decorum by his prejudicial handling of the former and by his unwarranted introduction of the latter.

2. Since the faculty was demonstrably affected by these extraneous considerations, its failure to recommend Prof. Davis' promotion is not to be taken as a vote of non-confidence in his work.

3. The judgments contained in Dean Weigle's letter of Sept. 25, 1936 are to be rejected, since they are sharply at variance with the judgments of former students, present students, and nationally known sociologists not subjected to the pressures under which the faculty operated. The Dean's letter, marked as it is by ambiguity, inaccuracies, important omissions, and fiat testimony, is to be regarded as a post-dismissal effort to rationalize the Corporation's action and not to be accepted as an accurate or fair explanation of faculty actions.

4. Prof. Davis has effectively fulfilled the function for which the Chair of Practical Philanthropy was established and is widely acknowledged as a highly competent scholar and teacher.

VI. RESPONSIBILITY FOR PROF. DAVIS' DISMISSAL.

A. THE ADMINISTRATION'S ALLEGATION.

The Yale administration alleges that the faculty's failure to promote Professor Davis not only was a negative commentary on his work but was in effect a vote for dismissal. It contends that the action of the Yale Corporation was thus in consonance with the faculty's action and not a denial of it. As a basis for this contention, the administration points to two factors: (a) the University's policy not to continue an associate professor who is not likely to be advanced to a full professorship, and (b) the faculty's 5-4 informal vote against permanent tenure.

In the preceding section, evidence was presented regarding the factors which affected the faculty's vote on promotion. It was found that a rumor, a charge later proved false, the force of the President's opposition under the Yale procedure of concurrent nomination, and the knowledge of Corporation opposition, all played a part in determining the faculty's vote against promotion.¹ In this section we shall temporarily disregard the extraneous pressures brought to bear on the faculty, and shall consider the question whether the faculty is responsible, in any event, for Prof. Davis' dismissal, or whether the responsibility for Prof. Davis' dismissal rests with the Corporation.

B. THE UNIVERSITY'S POLICY REGARDING ASSOCIATE PROFESSORS.

Although the Provost speaks specifically of "the administrative policy of not continuing long associate professorship appointments where it is obvious that there could be no ultimate promotion to a permanent professorship,"² Prof. Davis and other faculty members questioned the existence of such a policy. An analysis was therefore made of the terms of office of every associate professor at present on the Yale staff. It was found that there are at least 18 others who have been retained in the associate professorial grade for as many years as Prof. Davis has or for longer periods. The list³ of 18 follows:

YALE UNIVERSITY ASSOCIATE PROFESSORS

Name	Year of Promotion To Associate Professorship
Horace Scudder Uhler.....	1922
Richard Shelton Kirby.....	1922
Charles Sherman Farnham.....	1922
Carlton Thomas Bishop.....	1923-24
Angelo Lipari	1923-24
Hollon Augustine Farr.....	1924-25
Philip Gustave Laurson.....	1924-25
Egbert J. Miles.....	1924-25
Herbert Thoms	1924-25
Jack Randall Crawford.....	1925-26

1. See pages 14-19.

2. Letter of February 11, 1936 to Dean Weigle.

3. The list does not include Associate Clinical Professors or those who, working in non-teaching capacities, merely hold associate professorial rank.

Name	Year of Promotion To Associate Professorship
Bessie Lee Gambrill.....	1925-26
Joshua Irving Tracey.....	1925-26
Hubert Michael Turner.....	1925-26
James Kelsey Whittemore.....	1925-26
Willard Burr Soper.....	1926-27
Howard Wilcox Haggard.....	1926-27
Raymond Thompson Hill.....	1926-27
Jerome Davis	1926-27
James Dowling Trask.....	1926-27

Examination of the list reveals that four men have been in the associate professorial rank for as long a period as Professor Davis—in other words, since 1926-27; five have been associate professors for at least one year longer than Prof. Davis; four have been associates for two years longer; two, for three years longer; and three have been retained as associate professors for four years longer. Some of these have been repeatedly turned down for promotion to the full professorship. Furthermore, at the conclusion of the 1936 meeting, Dean Weigle told Prof. Davis he could stay permanently at Yale as an associate professor.

Conclusion. The foregoing evidence suggests that Yale has either not had such a policy as the Provost stipulates in his letter or that such a policy has not been enforced.¹

C. THE FACULTY'S ACTIONS IN 1936.

At its meeting on Jan. 16 the faculty balloted informally on four questions. The votes on each of the questions were as follows:

- 1) Is it your judgment that Jerome Davis should be permanently associated with this faculty?²
 YES—4; NO—5; BLANK—1.
- 2) Do you vote at this time to recommend to the Corporation his promotion to a full professorship?
 YES—3; NO—7.
- 3) If it should prove to be impracticable to secure Mr. Davis' promotion at the present time, do you favor his promotion to a full professorship at the earliest practicable date?
 YES—2; NO—7; BLANK—1.
- 4) If promotion to a full professorship is now impracticable, do you vote at this time to recommend to the Corporation his reappointment as associate professor for a period of.....years?
 YES—10; NO—NONE 4 suggested 1 year
 1 suggested 1 to 3 years
 2 suggested 3 years
 2 suggested 5 years
 1 Blank

1. A number of faculty members expressed great perturbation regarding the administration's treatment of traditions. In answer to a question about the University's policy on associate professors, one faculty member stated that the administration altered its traditions so frequently that it was difficult to know what its policies were. At one time Yale seemed to have a tradition of three year appointments. Then it suddenly acquired a tradition of five year appointments. More recently he had learned that there was a tradition of one year appointments. The administration, he stated, employed tradition to suit its purposes.

2. See page 41, footnote 1.

The voting on all these questions¹ was regarded as informal, or informative, and it was understood that the result of these ballots would not be transmitted to the Corporation. After the opinions on these questions had been informally tested, the faculty voted on the question of reappointment. The vote was unanimous for reappointment.

One week later, on January 23, the faculty met to determine the term of the reappointment. Again an informal ballot was first taken; five voted for a three year term; two for a five year term; and one for a one year term. This was followed by a formal ballot in which the faculty, by a count of 10 to 1, voted to recommend a three year reappointment for Prof. Davis.

On February 8 the Corporation rejected this recommendation, and voted to terminate Prof. Davis' stay at Yale on June 30, 1937. The minute of the Yale Corporation describing this action strangely omits reference to the formal recommendation of the faculty and makes reference only to the informal ballot against promotion.²

In protest against the Corporation's action, the faculty voted 8 to 5 on February 27 to ask the Corporation to remove the stipulation that Prof. Davis leave at the end of the year 1936-1937. Having had no response to its petition by the middle of March, the faculty voted again on March 19 to ask the Corporation to reconsider its action. This time the vote on the "request that the minute be reconsidered and that the terminus set by it be removed" was ten to one. Further action was taken in May, when eleven members of the Divinity School faculty sent a memorial to the Dean, characterizing the action of the Corporation as "both an injustice to Professor Davis and an action which will prove very injurious to the Divinity School."³ In November 1936 the permanent faculty, having received no answer to its two petitions, urged the Corporation to act on them. The Corporation thereupon formally rejected the faculty's request for removal of the terminus date.

D. FACULTY TESTIMONY REGARDING THESE ACTIONS.

Since the administration contends, despite the foregoing evidence, that the Corporation's action was not a rejection of the permanent faculty's action, the Committee sought the opinion of members of the permanent faculty on this point. The Committee specifically asked whether faculty members felt that they had committed themselves on the question of ter-

1. The vote of one faculty member who was not present at the meeting was counted in the informal balloting. On investigation it was found that the Dean had presented the absentee with a copy of the ballot containing the questions to be voted on. The faculty member had marked the ballot, attached his signature, and delivered it to the Dean prior to the meeting. The irregularity of this procedure is emphasized by the fact that had this man's ballot not been counted, the vote on the first question would have been 4 to 4 instead of 5 to 4 against Prof. Davis' permanency.

2. See page 11. The Committee found also that in letters written by President Angell to organizations protesting the Corporation's action, the distinction between the confidential ballots of January 16th and the formal action voted on January 16th and 23rd is not only blurred, but the sentiment expressed in the informal ballots on the 16th is given in place of the recommendation actually voted.

3. The signers included faculty members not on the permanent faculty. See p. 22.

minating Prof. Davis' contract and whether Prof. Davis' stay would automatically have terminated in 1939 had the Corporation ratified their recommendation. The responses of the faculty were emphatically a denial of the administration's contention. Most faculty members felt that the Corporation had gone beyond the spirit as well as the letter of the faculty's recommendation.

A few faculty members disagreed with this view. They asserted that, while the Corporation's action was obviously a denial of *the letter* of the faculty's recommendation, it was not in conflict with the *spirit* of the faculty's action. By its 5 to 4 vote on the first question, they contended, the faculty had indicated that it did not wish Prof. Davis permanently associated with the Divinity School. It was true that this was not a formal vote and that the faculty had agreed not to transmit this vote to the Corporation. But the Corporation really had a right to know the results of this ballot, and its action was in consonance with it. The only difference between the faculty's action and the Corporation's was, thus, in the term of office voted.

From this view the majority dissented. To them the Corporation's action came as a surprise, or, as several put it, "as a distinct shock." We had voted against promotion, one faculty member announced, but we had not said that we wanted Jerome's appointment terminated; that was the Corporation's work. Had the Corporation ratified the faculty's recommendation, another declared, the faculty would have had to vote in 1939 regarding Prof. Davis' status; the informal ballots did not commit the faculty on the question of terminating Prof. Davis' stay at Yale. The faculty's action, a third asserted, did not in any way deny the possibility, if not the probability, of an indefinite succession of three year terms in the associate professorship. Stated in summary, the interpretation given of faculty intentions by most faculty members was as follows: The permanent faculty, they asserted, had not committed itself to Prof. Davis' dismissal and had not intended that he should be dismissed. The faculty had merely refused to recommend life-time tenure, and, as in 1933, had instead recommended a further three year reappointment in the same rank. The faculty's action in 1936, like its action in 1933, had not committed it to any particular course at the expiration of the new term. In fact, had the Corporation ratified the faculty's recommendation, the faculty would in 1939 have again considered Prof. Davis' status. It might then have voted to recommend termination of Prof. Davis' contract, but it might also have voted another three year appointment or, possibly, promotion to the full professorship. In 1936 the faculty was not ready to say that Prof. Davis should be given permanent tenure, but it was ready to say and had said by an almost unanimous vote that it wished Prof. Davis to continue at Yale for another three years.

The validity of this view is indicated not only by the various faculty actions described above, but also by Dean Weigle's own action following the January 16th meeting. According to Prof. Davis, Dean Weigle called him into his office and stated that he could remain at the Divinity School permanently as an associate professor.¹

1. See pages 25 and 26.

In a public statement released to the press on October 27, 1936 Professor Halford E. Luccock announced:

"To me, the vital point in the whole matter of the termination of Prof. Davis' appointment as associate Professor seems to be that the request of the board of permanent officers of the Divinity School, adopted by an overwhelming majority of that board, was denied by the Yale Corporation."¹

E. CONCLUSION.

The foregoing evidence makes one conclusion unavoidable. The decision to sever Prof. Davis' connection with Yale was a decision of the Yale Corporation alone. In rejecting the faculty's recommendation for a three year appointment and reducing it to one year, the Corporation specifically voted, *as the faculty had not*, "that Mr. Davis' appointment would not be continued."²

1. It is also to be noted that, following hearings held during the month of May 1936, the Student Council of the Divinity School wrote to the Yale Corporation on May 26 as follows: ". . . We protest the action of the Corporation in terminating the contract of Professor Davis *contrary to the wishes and recommendations* of the of the Yale Divinity School. We feel that such a move constitutes a menace to academic freedom . . ." (Our italics).

2. See page 11 for the complete minute of the Corporation's action.

VII. ACADEMIC FREEDOM

A. THE ADMINISTRATION'S ALLEGATION AND PROF. MACINTOSH'S COUNTER STATEMENT

The Yale administration contends that the termination of Prof. Davis' contract is in no wise an abridgment of academic freedom or liberty of speech. In his press statement of October 21 President Angell stated:

"Mr. Davis has always been accorded full freedom of speech and action both in the classroom and outside. Neither the action of the Board of Permanent Officers of the Divinity School nor that of the Corporation is based upon dissent from his views."

In a counter statement issued on October 25, Prof. Douglas C. Macintosh, Prof. Davis' department head, publicly asserted:

"There exists evidence, which I can refer to more specifically and describe more fully if and when it seems necessary, which to my mind indicates conclusively that economic views expressed by Professor Davis from time to time and particularly in his recent book, *"Capitalism and Its Culture,"* taken together with the antagonistic reactions of a considerable number of Yale alumni to the same, did undeniably figure among the underlying causes of his being dropped from the faculty of the University after he had been for twelve years a member of its teaching staff."

B. INCIDENTS BETWEEN 1924 AND 1927

1. 1925: *Pres. Angell Criticizes Dr. Davis' Views of the World War.* On November 27, 1925 President Angell wrote to Prof. Davis regarding the latter's request for a recommendation for a Guggenheim fellowship on which he planned to go to the Soviet Union:

"I shall be glad to back you enthusiastically for the Guggenheim fellowship if you will tell me what you desire me to do . . . The program which you outline seems to me admirable. I only hope, if you go, that you do so with a cast-iron guarantee, which will be worth more than the ordinary guarantees of the Soviet government, and that you do not spend the rest of your life in a Russian dungeon . . ."

Before a month had passed President Angell's enthusiasm had undergone a change. The cause is indicated in a letter written on December 28, 1935, in which the President expressed concern

"because of reports made to me recently as to your apparently *unqualified acceptance of the sort of materials which Mr. Fay and Mr. Barnes have been publishing on the responsibility for the war.* As I have not heard you speak on the subject, I am disposed to discount somewhat the reports which reach me, but if the reports are even measurably correct, I confess I should feel greatly disturbed in my recommendation of you for a piece of work in which sobriety of judgment and maturity of knowledge and completeness of investigation would be so important." (Our italics).

2. 1926: *Trustee Cheney Criticizes Prof. Davis' Labor Activities.* On December 30, 1926 Mr. Howell Cheney, member of the Yale Corporation and owner of the Cheney Silk Company of Connecticut, addressed a letter to Dean Brown. "The New Haven men," Mr. Cheney wrote, "are particularly exercised by Professor Davis' efforts to unionize the non-union factories and employees in New Haven." Unwilling that the

Divinity School should "become the theatre of a debate on the evils of unionism and the advantages of the open shop," Mr. Cheney had for some time "resisted the appeal of friends to do something to counteract the activities in the labor world of Professor Davis . . . If, however, our professors are to enter the controversial field of labor and capital outside of classes, I do not see how we can resist the pressure for an exposition of at least the other side." Mr. Cheney goes on to suggest that he would like to see Dean Brown find some way of convincing Professor Davis to curtail his labor activities. He states:

"I am writing to you in the hope that you can suggest some way that neither places any restraint on the professor's desire to realize and express any essential truth to his students, but at the same time avoids the distraction of his energies and the dissipation of his influence by the necessity of getting into partisan controversies of an economic type . . ."

At Dean Brown's suggestion, Professor Davis met with Mr. Cheney, who urged him to drop all outside labor activity. In the interview Prof. Davis stated that he was spending only one evening a month in this activity and that he was only helping to provide workers with educational opportunities. He therefore felt that he could not accede to the request.

This exchange between Mr. Cheney and Professor Davis had repercussions in 1927 when the question of renewing Professor Davis' contract was considered by the Yale Corporation.

3. 1927: *Professor Davis' Promotion Is Held Up.* In March 1927 the promotion of Prof. Davis to associate professor as recommended by the permanent faculty, was held up by the Corporation. On March 21, 1927 Prof. Davis interviewed Provost Henry S. Graves regarding the delay. The Provost raised two issues with Prof. Davis. He indicated the Corporation's concern over having the name of Yale connected with Prof. Davis' outside speeches. He inquired whether Prof. Davis had gone out to organize workers. Prof. Davis stated that he had not engaged in organizing work. Another meeting of the Yale Corporation passed and the faculty's recommendation regarding Prof. Davis remained without Corporation approval. Finally, on May 14, 1927, the promotion was approved.

C. INCIDENTS RELATING TO ACADEMIC FREEDOM, 1927 to 1930

4. 1927: *Professor Davis Is Criticized for Activities in Behalf of Russian Recognition.* On October 23, 1927 Prof. Davis spoke at Madison Square Garden in connection with the report of the American trade union delegation to Soviet Russia. Prof. Davis had been an adviser to the delegation together with Stuart Chase and Prof. Paul H. Douglas, the latter of whom also spoke. The Brooklyn Eagle devoted a page to the events under the inflammatory headline: "Red Propaganda and Plots Given Full Swing in the United States. Six Thousand Bolsheviks in Madison Square Garden Cheer Jerome Davis, Yale Professor, Who Sneers at America and Americans—Books Exploiting Soviet Butchers and Treacherous Circulars Widely Distributed." Especial anger was directed against a series of books known as the Vanguard Studies of Soviet Russia, which had been edited by Professor Davis.

The result of the publicity was a letter from President Angell asking for an explanation and tactfully suggesting that Prof. Davis consider the advisability of continuing such activities. The President wrote:¹

"I enclose for your comment another batch of material² apropos of your out-door speech in New York. Frankly, I cannot believe you are promoting the best interests of the cause you have at heart, to say nothing of the reflex effects upon Yale, by joining the brotherhood of out-door Sunday orators in the Metropolis."

In reply to President Angell, Prof. Davis wrote on November 23:

... "The meeting to which the *Eagle* referred took place on October 24th, a month ago. It was the official occasion of the report of the Labor Delegation to Russia. As an expert consultant who had rendered some assistance to the Delegation it would have been impossible for me consistently to refuse to attend. Professor Paul Douglas of the University of Chicago and others spoke at the meeting . . . I really do not quite understand what you mean by the 'brotherhood of out-door Sunday orators' . . ."

On November 25 President Angell wrote:

"This acknowledges your favor of November 23d. By my phrase 'out-door Sunday orators' I had in mind simply the type of individual who finds the soap box and the street corner the only means of securing an audience for his expression. I may be under misapprehension, but I had understood that the meeting which you and Mr. Douglas addressed in New York was held on Sunday afternoon in Union Square. I can only repeat that I cannot for a moment believe that the audience you reach in this way is the one calculated to render any prompt or significant assistance in bringing about the results you are seeking and, in the meantime, you certainly gravely prejudice your reputation for sobriety of judgment and sanity of outlook by associating yourself with methods of this kind. I am not for a moment raising the question of free speech, nor the question of the right of a man in the street to be heard."

The following day Prof. Davis wrote to explain that he had not spoken from a soapbox or a street corner, but from the platform of Madison Square Garden, which "has been used by many distinguished orators, including some of the most respected citizens of our Republic." On November 28 the President wrote to acknowledge his "misapprehension" in believing the meeting to have been "an outdoor meeting in Union Square."

Even before this exchange of notes, Dean Charles R. Brown had told Prof. Davis, according to a memorandum made by him at the time, that "the President had been to see him twice and that several of the members of the Yale Corporation had also been to see him." The Dean, according to the memorandum, stated that if Prof. Davis would stop his activities in behalf of labor in the state and his work for Russian recognition, the criticism would cease. "He said if I refused to stop that he wondered whether I would be promoted at the end of my next term and in fact that the Trustees might ask me to resign." The Dean went on to question the

1. The letter was dated November 21, 1927.

2. The items enclosed by the President included a letter from Mr. E. M. Roberts, president of Chase, Roberts & Co, of Long Island City, New York. Mr. Roberts had written:

"Do you think that a man who associates with and believes in Anarchist, Bolshevik and Communist (different names but all mean anarchy) is a fit person to teach in Yale College, to come in contact with our boys when he holds such ideas as he does, and I ask as a 100 percent American that he be thrown out of Yale College head first."

good Prof. Davis' campaign for Russian recognition was doing. "If you were the Chairman of the Foreign Relations Committee of the U. S. Senate, your campaign might do some good; but, however right it is, it accomplishes nothing and jeopardizes your position." The Dean is held to have added that if Prof. Davis continued this activity, the Trustees and President would seek some way to retire him.

5. 1929: *Treasurer Day Criticizes Labor Research Conducted by Prof. Davis.* On March 22, 1929 Dean Weigle informed Prof. Davis that the Yale Treasurer had registered a protest against a letter written by Prof. Davis to the President of Union Theological Seminary inquiring about wages paid to janitors. The Treasurer had also criticized research being conducted by Prof. Davis into the wages paid in the dining halls of large American universities. According to Prof. Davis, although the first project had been undertaken with the assent of Dean Weigle and the second had received the approval of a member of the Corporation, the Dean advised him to discontinue both. Three days later the Dean informed Prof. Davis that the Yale Treasurer objected to his promotion: he felt that thousands of dollars were at stake.

D. INCIDENTS RELATING TO ACADEMIC FREEDOM, 1930-1933

The following year Prof. Davis' promotion was not recommended by the full professors; instead he was reappointed as associate professor at a \$500 increase in salary. In the letter which Dean Weigle sent to Prof. Davis, announcing the unanimity of the permanent faculty's action, the Dean made the following comments about Prof. Davis' freedom as a faculty member.

"There is one question which I shall be glad to talk over with you in some detail. This concerns your freedom as a member of the Faculty of Yale University and it is raised in my mind by your remark that you wished permanent appointment as soon as possible in order that you might feel free to do what you ought to do in the way of investigation and publication.

"I feel that this remark expresses a misapprehension on your part with respect to the degree of freedom that you may in good conscience claim as a member of the Faculty of this University. I can not see that there is any difference between associate professors and professors in this respect. I want you to feel free now to do all that you ought to do in the way of investigation, teaching, and publication."

6. 1931: *The Yale Treasurer Requests Prof. Davis to Write Out All His Speeches.* On January 26, 1931 Prof. Davis, speaking before a meeting of the Chicago Ministerial Association, characterized the Insull interests as "higher racketeers." The Chicago Tribune reported the speech under the headline, "Yale Professor Attacks Insull Power Methods." Although Robert A. Ashworth, Editor of *The Baptist*, characterized the address as "eminently judicious and fair,"¹ Mr. Samuel Insull, Jr. (Yale

1. From a letter to Prof. Davis by Mr. Ashworth. The Editor of *The Baptist* wrote: "Your vigorous and practical address . . . was eminently judicious and fair. I do not see how any one could properly take offense at it for, as I recall it, it was quite free from personalities or reflections upon individuals."

'21) sent a vigorous protest against it to Treasurer Day.¹ Thereupon, Prof. Davis was requested by the Treasurer to write out every speech he made outside the University and to hold it in readiness, in the event of controversy, for submission to Yale authorities and interested alumni. Dean Weigle affirmed the Treasurer's request and insisted that Prof. Davis limit his speaking engagements to those for which he could find time to prepare written addresses.

A letter from Dean Weigle dealing with this limitation upon Prof. Davis' speaking appointments is dated February 13, 1931. It read:

"I have received a letter from Mr. George Parmly Day telling me that you have sent to him your letter to Mr. Insull. Mr. Day makes the suggestion that for your own protection and in fairness to the University, you should in all cases when you give an address outside of your regular work here at the University have a copy of such address so that you may be in a position to furnish a copy, if inquiries such as that of Mr. Insull are made.

"I am writing to say that this seems to me to be wise and right. It is most unfortunate that you are able to write Mr. Insull that the newspaper report of your address is in 'gross error' but that you are not able to point out the error. The statement that your reference to Mr. Insull was but a 'minor part of the address' is hardly relevant or consoling. You have stated to me that you do not remember exactly what you said.

"It seems clear to me that you should protect yourself and that we have a right to ask that you should protect Yale University from possible misrepresentations of your addresses, *by accepting only appointments for which you can find the time to prepare written addresses.* It is not necessary or always desirable that you read your address from a manuscript. If you have prepared the address in writing, you will undoubtedly stick close to it even though you speak without the manuscript, and you will have recourse if you are misrepresented by newspaper reporters." (Our italics).

In reply to this letter Prof. Davis wrote on February 14, 1931:

"You are mistaken that I could not point out the errors in the newspaper report in my address. I enclose a statement of them.

"I appreciate something of the trouble it must cause you when Mr. Insull writes to the Treasurer of Yale University about my attack on the 'power monopoly.' Nevertheless, I am convinced that writing out my addresses, as I often do, would not help either you or me. I almost never follow my written manuscript. I had a written address of my talk in Chicago and it did not refer to the power interests at all, but nevertheless I believed it advisable to refer briefly to this question in the course of my address and would do so again. I believe that everything I said was in accord with the facts and am prepared to stand on what was said. I know of no professor in the United States who has been required by his university to write out every address. I cannot conscientiously agree to do this.

"I have talked this matter over with Dr. Luccock who is in agreement with this position."

The Dean refused to accept Prof. Davis' reply, but said he would not insist on his order being carried out.

7. 1931: Prof. Davis' Radio Reply to Representative Fish Brings Request for Ouster. In April 1931 at the request of President M. H. Aylesworth of the National Broadcasting Company, Prof. Davis spoke

1. Protest was also received from Mr. W. S. Vivian of the Middle Western Utilities Company.

over an NBC network in reply to Representative Fish, Chairman of the House Committee Investigating Communist Activity in the United States. Prof. Davis made a plea for continued adherence to the American tradition of free speech.

From a Yale alumnus, protesting to the Yale authorities against Prof. Davis speech, came the following note:

"I presume it is impossible to muzzle such a man. Is it necessary to retain such as he on the faculty? I sincerely trust not."

The note was forwarded by President Angell to Dean Weigle with the following brief statement:

April 27, 1931

Dear Dean Weigle,

Our friend seems to have broken out again in a new direction. Will you look into the matter a little and let me know what you can find.

Yours very truly,
James R. Angell

After Prof. Davis had forwarded a copy of his address and scores of letters from radio listeners endorsing it, and after Dean Clark of the Law School had written to the President approving the speech, Dr. Angell wrote a letter to one of those who had protested defending Prof. Davis.

8. 1932: *Dean Weigle and Prof. Davis' Labor Activity.* In November 1932, according to a memorandum made at that time by Prof. Davis, Dean Weigle advised him that it would be unwise for him to represent local unions at the American Federation of Labor annual convention, as he was coming up for promotion.

9. 1933: *Dean Weigle, Freedom, and Promotion.* Late in January 1933, Dean Weigle told Professor Davis that an opinion existed among senior members of the Yale faculty that, were Davis promoted, he would feel freer to say things. In response to a request of the Dean that he state he would not use his freedom as a full professor unwisely, Prof. Davis wrote under date of January 30, 1933:

"I can honestly say that in all the time I have been at Yale I have tried never to refrain from doing anything which I felt I ought to do. Nevertheless, I must confess to you that any attacks which have been made upon me have inevitably been disturbing . . .

"May I say to you at this time that if I am asked to accept permanent appointment on the faculty I should feel, if anything, an increased responsibility rather than less for every act and especially that every statement of mine was grounded on the facts. To seek the truth and then to present it in the best possible way is, I take it, what we are all seeking."

At the faculty meeting which followed his request, the Dean made an unsubstantiated charge, later proven false, without permitting Prof. Davis the opportunity of a reply. It will also be recalled that he informed the faculty of Corporation opposition to Prof. Davis' advancement. In so far as these actions affected judicious consideration of Prof. Davis' abilities and prejudiced the consideration of his advancement, they constitute abridgments of academic freedom.

E. INCIDENTS RELATING TO ACADEMIC FREEDOM 1933 to 1936

10. 1933: *The Prudential Committee Refuses to Have Ferdinand Pecora Speak at Yale.* In the spring of 1933 Ferdinand Pecora accepted an invitation tendered by Prof. Davis to deliver a lecture at Yale for the benefit of the Henry Wright Cottage. Dean Charles E. Clark of the School of Law was to preside. At the June meeting of the Prudential Committee of the Corporation, the application for a university building was denied.

On July 7, 1933 Mr. Carl A. Lohmann, Secretary of the Yale Corporation, wrote to Professor Davis:

"I took it that they were not pleased with the suggestion that Mr. Pecora speak from any Yale platform, chiefly for the reason that the gentleman's work with the Senate's Committee has taken on so much the character of a sensational side show¹ which the Committee did not wish to have rehearsed under the auspices of the University."

On September 1, 1933 Dean Weigle wrote: "I realize the prejudice among Yale alumni that the Prudential Committee is up against."

11. 1935: *Limitations Proposed on the Teacher's Right to Deal with Economic and Political Matters.* In the Yale Alumni Weekly of November 29, 1935, President Angell issued a defense of free speech which was modified by the following statements:

"A teacher may conceivably exploit his connections with an institution to gain a hearing for views which his own unaided advocacy could never command. Moreover, there is a certain kind of intellectual exhibitionism to which an occasional teacher is prone, that may lead to his uttering injudicious and even definitely obnoxious opinions in matters quite outside his professional province. Furthermore, no more than other professions is that of teaching completely devoid of eccentrics, who may nevertheless be highly competent in their own special fields. These persons sometimes cherish delusions of grandeur concerning their insight into ultimate economic and political truth and suffer from an irrepressible urge to publish their insight far and wide. In this case, their friends and the institutions they serve may alike be rendered extremely uncomfortable . . . Nevertheless, if university men are to claim freedom of teaching and freedom of thought and speech, they must in turn justify the claim not only by a decent respect for the opinion of mankind, but also by sobriety of utterance on acutely controversial issues. They must be sensitive to the dictates of good sense and good taste, as the great mass of them always are."

President Angell proposes no external restrictions upon freedom. However, the internal restraint he suggests, involves, not merely moderation in expression, but conformity to accepted ideas.

Taking up the President's plea, the Yale Alumni Weekly itself proposed devices for promoting restraint:

"There has been very little public display of emotion on public questions at Yale, far less, in truth, than might be expected in these disorderly days. There has been, on occasion, however, a type of personal adventure into the field of public controversy, which, for one, we have

1. As counsel for the United States Senate Commission on Banking, Ferdinand Pecora conducted public hearings of America's foremost financiers, including J. P. Morgan.

often felt we might have less of and not be the loser. We refer to the sort of episode which publicly involves a teacher of the university in a political or labor quarrel, where the teacher may find that he has brought the university into the limelight with himself. In such a case it is not the individual's opinions as a scholar that are at issue; it is his public appearance, in action, as an agitator. It is this sort of case that merits official rebuke, and which, if persisted in, makes the offender no longer of use to his university. The element of responsibility to an institution here comes in, overlying, we should say, his rights to free action as an individual citizen."

Considering the "political or labor quarrels" into the limelight of which Prof. Davis had brought the University, the statement of the Yale Alumni Weekly appears to make more than a veiled reference to Prof. Davis. There were few, if any, other professors on the Yale staff who had brought the University into similar "quarrels."

The New Haven Register termed the pronouncements of the President and the Alumni Weekly "a refreshing sign," and proceeded immediately, as the next incident indicates, to use these pronouncements as a basis for criticizing statements made by Prof. Davis and other faculty members.

12. 1936: Dean Weigle Criticizes Prof. Davis for Signing an Open Letter to President Roosevelt. On December 1, 1935, Professor Davis and five other members of the Divinity School faculty were announced as being among the 47 signers of an open letter to President Franklin D. Roosevelt. The letter, which expressed the attitude of many of the country's religious leaders, criticized the ineffectiveness of "palliative legislation inside the capitalist system" to achieve "permanent recovery."

In the December 1st editorial in which it termed the utterances of Dr. Angell and the Yale Alumni Weekly "a refreshing sign," The New Haven Register stated:

"While those interested in Yale will welcome such a stand by its President and alumni organ, they will find it extremely difficult to condone statements by its faculty members urging the destruction of the capitalistic system which, by its very essence, has made possible endowed educational institutions."

On January 14, 1936 in an interview with Dean Weigle, Prof. Davis was told that the Chairman of the Social Science Department, the Provost, the President, and Corporation members whom Dean Weigle had approached, were against his being promoted. The Dean referred to three items as explaining the opposition: one was the general trouble-making character of Prof. Davis' utterances; the second was Prof. Davis' action in starting the Religion and Labor Foundation and permitting it to be at the Divinity School;¹ and the third was Prof. Davis' primary responsibility for the open letter to the President of the United States.

In a letter dated January 14, 1936 Prof. Davis wrote to Dean Weigle:

"I want to be sure you understand my position and therefore make the following comments. You criticized me for taking part in the signing

1. Dean Weigle was himself a member of the National Committee of the Religion and Labor Foundation from its inception until he was reminded of that fact on January 14 by Prof. Davis. See page 16.

of a letter to the President of the United States with seven of the Yale Divinity School Faculty. You stated that in this letter I had gone further than in my book on capitalism. If I may be permitted to say so, I think I know something of how far I went in my book and it certainly goes as far as the letter if not much farther. In your letter of January 21, 1930 informing me of my reappointment as associate professor you stated, 'I want you to feel free now to do all that you ought to do in the way of investigation, teaching and publication.' You of course would agree that sending a letter to the President of the United States with scores of leaders of American religious life is certainly within our rights. Personally, I would have been a traitor to my conscience had I not done so. The fact is that the sending of this letter was deeply appreciated by hundreds of religious people all over the country and that students of Yale Divinity School officially sent their appreciation to me, a copy of which I enclose . . ."¹

13. 1936: *Prof Davis' Position is Threatened because of an Invitation to Senator Nye.* In 1936 the Henry Wright Cottage Committee of which Prof. Davis was chairman invited Senator Gerald P. Nye to be the annual speaker. On January 15, 1936 President Angell wrote to Dean Weigle the well-known "sand-in-the-gear-box" letter in which he criticized what he characterized as Prof. Davis' efforts "to drum up a student demonstration to exhibit the sympathy of the University for Nye's views."² The President, it will be recalled, further stated:

"I must say I think Jerome is becoming an increasing nuisance and my patience is inevitably wearing thin."

On January 17, 1936 Prof. Davis replied to Pres. Angell's criticism by indicating that Senator Nye had been invited to speak at Prof. Robert Seneca Smith's suggestion³, and that he did "not know what you meant by drumming up a student demonstration . . . Aside from filling the hall we have no desire to make any demonstration of any kind."

This might have closed the incident. But just at this time Senator Nye came out with a widely publicized statement in which he charged Woodrow Wilson with having falsely testified before the Senate Foreign Relations Committee in 1919 regarding secret treaties. On January 18 Dean Weigle called Prof. Davis to indicate that the Nye meeting scheduled for March 9 was causing trouble. He intimated that unless the Henry Wright Cottage Committee took some action at once, Prof. Davis' position might be jeopardized. A meeting of the Committee was hastily convened. Prof. Davis indicated that preparations for the meeting had gone so far⁴ that the meeting could not be cancelled unless the authorities

1. For the remainder of the letter, see page 16.

2. See page 17.

3. On January 24, Prof. Robert Seneca Smith wrote to President Angell confirming the fact that Prof. Davis had played no special part in choosing Senator Nye as the Henry Wright Cottage lecturer. "Some two months ago," he wrote, "the Committee agreed, after conference with Dean Weigle, to invite Senator Nye, and he accepted the invitation . . . When the Corporation generously gave us the use of Woolsey Hall this year for Senator Nye's lecture, we assumed his coming was agreeable to yourself and to the University . . . In extending this invitation, and in all details which are incident to the arrangement for the lecture, sale of tickets, etc., the Committee has acted as a unit. Professor Davis, as Chairman, has simply been carrying out the Committee's decisions. Furthermore, we have been in constant touch with Dean Weigle, who is ex-officio a member of our Committee."

4. Tickets were already in the hands of the public.

themselves officially wrote Senator Nye regarding cancellation or postponement. He suggested that such a move by the authorities would be a mistake, but would at least place responsibility for the action where it belonged, and not upon a Divinity School Committee that had invited and still wanted the Senator to speak.

On January 20 President Angell wrote to Prof. Davis. He expressed pleasure at learning the falsity of the report regarding Prof. Davis' desire to drum up a demonstration for Senator Nye. However, in regard to the cancellation of the Nye meeting, the President stated:

"I should not have been enthusiastic about having Senator Nye here at any time, for those who have followed his career most carefully appear to entertain a rather unflattering impression of him as a man chiefly concerned to promote his own position in the focus of public attention. In any case, what now disturbs me is his indecent attack on President Wilson, which has stirred a very deep public resentment and which personally I believe to be based on the misinterpretation of historical facts. My personal view, however, is of no consequence at the moment, but it is quite impossible under these circumstances to have Mr. Nye come here and not once again have the University pilloried as indicating by such an invitation that it supports his attack on President Wilson. At the present moment this seems to me a quite insufferable prospect and entirely regardless of the correctness, or incorrectness, of Senator Nye's position. I am therefore very much hoping that your committee will see fit to announce a postponement at least of the scheduled meeting. I shall personally much prefer to have the Nye invitation completely withdrawn, but, in any case, a postponement until public opinion has quieted down and the episode in question has passed out of the area of vivid memory seems to me quite imperative. I can assure you that the Corporation would not have granted the permission to use Woolsey Hall for an address by Senator Nye, if this Wilson attack had occurred prior to their action."

Subsequently the Nye meeting was officially postponed at the request of President Angell, and Senator Nye was so informed by a letter from Dean Weigle.

It is to be noted that not only did the Nye incident bring an implied threat to Professor Davis from the Dean, but that Pres. Angell's note of January 15 ("Jerome is becoming an increasing nuisance") was used by Dean Weigle together with other items to influence the faculty against recommending Prof. Davis' promotion.

14. 1936: *Alumni Contributions and Prof. Davis.* In March 1936, shortly after he had been notified of the termination of his contract, Prof. Davis spoke in Milwaukee on the subject, "Around the World As I Saw It." During the question period that followed his talk, Prof. Davis was asked what he thought of the socialistic administration of Milwaukee. Prof. Davis spoke favorably of it with the result that Milwaukee papers carried stories quoting him as endorsing the Hoan Administration.

On April 2 the Yale Treasurer forwarded the letter of an alumnus to Dean Weigle, with the explanation that Mr. C. R. Messenger is "by the way, one of our most loyal graduates, a member of the Alumni Board, and is always actively interested in Yale and in seeking Yale's welfare in every way open to him." Mr. Messenger's letter to the

Treasurer read as follows:

"Enclosed you will find an article from a Milwaukee paper, which is interesting to Yale men in this part of the country. It appeared in last night's paper and the discussion has not started as yet but there will be plenty.

"Would you be good enough to tell me who Mr. Davis is, also his connection with Yale. It is interesting to me as this clipping came in at the same time that I received a letter from Karl Behr, *asking for a contribution to the Alumni Fund.*" (Our italics).

Letters cited previously have indicated that alumni and donors objected to Prof. Davis' views and to his retention at the University. Mr. Messenger's letter undoubtedly lacks the pungency of the letter in which an alumnus suggested that Prof. Davis be "muzzled" or dismissed¹ or the letter in which a 100% American requested that Prof. Davis "be thrown out of Yale head first²." But Mr. Messenger's letter demonstrates more clearly than the others that alumni and donors were constantly warning the administration that it had to choose between academic freedom and endowments.

F. THE YALE CORPORATION.

1. *Composition.* The Yale Corporation consists of twenty-two men. In addition to the President and the Provost of the University, the Secretary, Treasurer, and Associate Treasurer of the Corporation, there are seventeen fellows. These include the Governor and the Lieutenant Governor of Connecticut, who are ex-officio members of the Corporation. Of the twenty-two members, the Secretary, the Treasurer, the Associate Treasurer and the Provost sit without voting power, leaving a total of eighteen voting members.

On examination it was found that the professional backgrounds of the eighteen voting members were as follows:

Bankers, Manufacturers, Insurance Company Executives.....	7
Politicians and lawyers	4
Clergymen	3
Other professions	2
Educators ³	2

A group of prominent alumni protesting Prof. Davis' ouster, assert that vacancies in the Corporation have for the past three years been filled "by what amounts to appointment rather than election, since only one candidate was nominated."⁴ They further contend that "in each case the new member was high in the roster of America's discredited financial fraternity with qualifications largely dependent on connections with great Wall Street institutions."

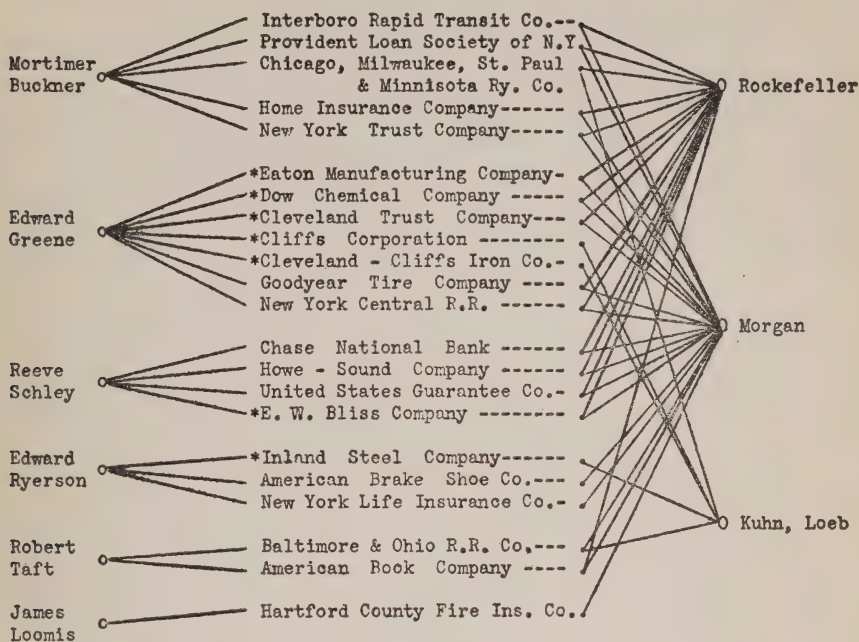
1. See page 49.

2. See page 46.

3. President Angell is also a director of the New York Trust Company. The president-elect of Yale, Dr. Seymour, formerly Provost, is a director of the Second National Bank of New Haven.

4. From a letter sent by Alfred Bingham '27, Selden Rodman '31, William Rose Benét '19, John Chamberlain '25 and other contributors to *Common Sense* to the President and Fellows of Yale University on November 10, 1936 and released to the press shortly thereafter.

A study of the directorships held by six of the bankers and manufacturers on the Yale Corporation revealed the following:



* Companies associated with the Munitions Trade

The indication is that six members of the Yale Corporation hold offices or directorships in 5 Kuhn, Loeb affiliates, 15 Rockefeller affiliates, and 18 Morgan affiliates.

The chart presented above does not include all the corporations of which the six members of the Yale Corporation are directors or officers. Nor does the chart indicate that many of the other members of the Yale Corporation occupy positions in many industrial and financial corporations. A count shows that 13 members of the Yale Corporation hold directorships or offices in more than 95 corporations.

2. Capitalism and Its Culture, and the Corporation. That the Corporation was opposed to Prof. Davis' promotion was announced by Dean Weigle at faculty meetings in 1933 and in 1936. The evidence presented in preceding sections indicates that, prior to the publication of *Capitalism and Its Culture*, several members of the Corporation were antagonized by certain of Prof. Davis' ideas and activities. The President had objected to Prof. Davis' view of the World War. Mr. Cheney, of the Cheney Silk Co. of Connecticut, had protested Prof. Davis' educational activities in the labor movement (specifically, his sponsorship of the closed shop), and had sought unsuccessfully to have him curtail those activities. The

Treasurer of the Corporation had voiced objection to labor researches in which Professor Davis was engaged, and had protested a speech in which Prof. Davis criticized the Insull interests. The Prudential Committee disapproved of Prof. Davis' inviting Mr. Ferdinand Pecora to speak at a Divinity School function and had refused permission to use Yale buildings.

In conversation with members of the Divinity School faculty, the Committee found that there was wide awareness of Corporation opposition to Prof. Davis. Most faculty members, including those who had voted against Prof. Davis, knew of *some* opposition to him. One faculty member who had voted against his promotion stated that he knew that Prof. Davis had been "an embarrassment to the Corporation."

Questioned regarding the source of Corporation embarrassment and opposition, faculty members advanced a number of hypotheses. Few felt ready to answer as definitely as had Prof. Macintosh:

"... Economic views expressed by Prof. Davis from time to time and particularly in his recent book, *Capitalism and Its Culture*, taken together with the antagonistic reactions of a considerable number of Yale alumni to the same ..."

One faculty member, however, was insistent in indicating that it was not so much Prof. Davis' views as his efforts to translate them into action that created trouble. Other men on the Divinity faculty, this professor stated, had ideas which were much like Prof. Davis'; but no one had made so constant and so striking an attempt to *spread and live* these ideas.¹

Analysis of *Capitalism and Its Culture*,² as the work in which Prof. Davis summed up his views, revealed materials which might well have

1. This point was also made by Prof. Albert E. Barnett of Starritt College who wrote to Dean Weigle on November 24, 1936:

"You cite as 'the best evidence of the good faith of our faculty and the Corporation,' the fact that men are being retained and promoted 'whose views are as radical as those of Dr. Davis.'

"The question one raises is not as to the views men entertain, but the views men express and translate into action. Most of the teachings of Jesus can be paralleled in the words of the Scribes, and yet Jesus was crucified! It is one thing to entertain views and another to give them intelligible and vital expression in concrete deed and in words that look toward action on the part of others. It would seem that Dr. Davis' sin is that he lifted ideals out of the realm of the purely academic and theoretical and clothed them in the vestments of life, exactly the thing that a professor of Social Ethics is expected to do!"

2. In 1934 just before he left on his sabbatical, Prof. Davis spoke briefly of his plans to Dean Weigle. When he indicated that he intended to complete a book on capitalism on which he had been working for a number of years, the Dean suggested that it would be better for Prof. Davis to write in the field of crime rather than in the controversial area of capitalism. It is the Dean's present contention, the Committee learned from Prof. Calhoun, that this statement was the impartial suggestion of one scholar to another on the advisability of narrowing the scope of his research field, and not an indication that Prof. Davis was venturing into dangerous fields.

aroused the opposition of Corporation members. Apart from a general pro-labor point of view, there are numerous passages in which Prof. Davis is critical of financial and industrial enterprises directly represented on the Yale Corporation. In one section, for example, Prof. Davis analyzes a reorganization carried through by the Chicago, Milwaukee, St. Paul, and Minnesota Railway Company, and produces statistics which indicate that public welfare might have been subordinated to private gains. One of the fellows of the Yale Corporation, Mr. Mortimer Buckner, is a director of the Railway Company in question. Prof. Davis writes of Mr. Buckner:

"The head of the New York Trust Company, M. R. Buckner, who was put on the board [of the Chicago, Milwaukee, and St. Paul], bought some shares in 1923 but soon realized his mistake and sold them to the public."¹

In another section Prof. Davis presents materials dealing with the operations of the Chase National Bank in Cuba, which indicate that the Bank issued questionable reports, maneuvered loans at exorbitant interest and discount rates, and denied paying commissions on these loans before the United States Senate.² A vice-president of the Chase National Bank, Mr. Reeve Schley, is a member of the Yale Corporation. The book contains so many other instances of cross relationship³ that the conclusion is unavoidable: had libel suits, the threat of which delayed publication for two months,⁴ been brought to bear against the book, they might well have come from the three large corporations or the subsidiaries with which the fellows of the Yale Corporation are connected.⁵

1. *Capitalism and Its Culture*. N. Y., Farrar and Rinehart, 1935. Page 135.

2. *Ibid*, pages 204-210.

3. In pages 75-77 of *Capitalism and Its Culture*, Prof. Davis describes the role played by J. P. Morgan and Co., when General Foods failed to pay U. S. taxes on a \$21,000,000 profit. On page 434 Prof. Davis mentions the link between Governor Cross of Connecticut, ex officio member of the Yale Corporation, and the Connecticut utility interests. Other instances in which the activities of men or corporations connected with the Yale Corporation are analyzed by Prof. Davis will be found on pages 81, 85, 87, 92, 113, 114, 425, 453 and passim. In the chapter entitled, "A Refracted Education," Prof. Davis illustrates the limitations imposed on the freedom of teachers by citing events in his own career. Without specifying the university or the person involved, Prof. Davis tells of the denial of university buildings to Ferdinand Pecora; reprints the letter from Mr. Cheney requesting that he quit his activities in the labor movement; and presents documents relating to the Insull incident, as a result of which the Dean of the Divinity School and the Yale Treasurer requested Prof. Davis to accept no speaking engagements except those for which he could write out addresses. See pages 358 to 361.

4. Shortly before Farrar and Rinehart published the book, they submitted it to their lawyers, Milbank, Tweed, Hope and Webb. The attorneys warned the publishers that the book might bring libel suits and submitted four pages of what they considered libelous items. They further warned the publishers that "you will undoubtedly wish to take into consideration the practical business risk involved in publishing the book apart from the question of legal liability." As a result the book was held up in proof for two months. The attorneys for Farrar and Rinehart are also attorneys for Mr. Rockefeller and the Chase National Bank.

5. See page 55.

The most decisive evidence indicating that Prof. Davis' views and activities figured in the Corporation's action against him is contained in a letter sent to Prof. Davis *by a member of the Yale Corporation*. The letter is dated June 2, 1936 and reads in part:

"... Yale University is no place for a frontal attack on Capitalism. If it is to be done, it must be by some one whose academic standing is impeccable and whose scientific weight cannot be gainsaid. No associate professor could possibly do it. That was suicidal."

G. CONCLUSIONS ON ACADEMIC FREEDOM

The foregoing evidence leads to the following conclusions:

1. The Yale administration interfered with Prof. Davis' exercise of his right as a scholar freely to conduct research and publish his findings, and his right as a citizen freely to engage in outside activities.
2. The Yale administration infringed upon the scholar's and teacher's right to a determination of academic standing solely on the basis of academic achievement. Both in 1933 and 1936 Dean Weigle prejudiced consideration of Prof. Davis' promotion at faculty meetings by announcing the Corporation's opposition to such advancement.
3. Prof. Macintosh's contention is established. "Economic views expressed by Prof. Davis from time to time and particularly in *Capitalism and Its Culture*, taken together with the antagonistic reactions of a considerable number of Yale alumni to the same, did undeniably figure among the underlying causes of his being dropped."

VIII. SUMMARY OF THE COMMITTEE'S CONCLUSIONS



On the basis of the evidence presented, the College Committee on Academic Freedom of the A. F. of T. has unanimously arrived at the following conclusions:

1. The budgetary explanation offered by the Yale administration for removing Prof. Davis from an endowed chair has no validity.

2. The contention that Prof. Davis' teaching and scholarship account for the Corporation's action is without merit. The judgment of sociologists indicate that Prof. Davis is a highly competent scholar. The judgments of present students, former students, and colleagues indicate that Prof. Davis is an excellent teacher and has performed the work of the Chair of Practical Philanthropy with distinction.

3. The termination of Prof. Davis' stay at Yale is not, as the administration contends, primarily a result of the action of the Divinity school permanent faculty. To influence the faculty against recommending Prof. Davis' promotion, the weight of administration and Corporation opposition to promotion were used by the Dean. After the faculty had voted against promotion but had recommended reappointment for a regular three year term, the Corporation rejected the recommendation and voted to terminate Prof. Davis' services on the ground that the faculty had not recommended promotion. Following this decision, the Corporation rejected two petitions of the faculty requesting removal of the one year terminus set on Prof. Davis' appointment. Responsibility for terminating Prof. Davis' stay at Yale thus rests with the Corporation.

4. Prof. Davis' dismissal from the Divinity School represents a clear case of the violation of academic freedom. Prof. Davis is being dropped because his economic views, his researches into the nature of the present social order, and his activities in the labor movement offended wealthy alumni and members of the Yale Corporation. For more than twelve years Yale authorities sought constantly to have Prof. Davis curtail his activities; they offered him friendly suggestions, they criticized him, they delayed his promotion. After the publication of *Capitalism and Its Culture*, the Yale Corporation voted to dismiss him.

5. In terminating Prof. Davis' more than twelve year stay at the Divinity School without having granted him a hearing on specific charges and without having afforded him an opportunity to rebut these charges before a jury of his peers, the Yale Corporation has abrogated recognized principles of tenure.

6. Since no justifiable grounds for terminating Prof. Davis' work at the Divinity School have been established by the Yale administration, Prof. Davis should be restored to his post in accordance with the recommendation for reappointment voted by the Divinity School permanent faculty.

College Committee on Academic Freedom

Colston E. Warne, *Amherst*, Chairman

Arnold Shukotoff, *C.C.N.Y.*, Secretary

Robert Morss Lovett, *Chicago*

S. Ralph Harlow, *Smith*

J. Raymond Walsh, *Harvard*

May, 1937.

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